

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

Harry G. Beyoglides, Jr.,
Special Administrator of the
Estate of Robert Andrew
Richardson, Sr., Deceased,
Plaintiff,

vs.

Case No. 3:14-CV-00158

Phil Plummer/Montgomery County
Sheriff, et al.,
Defendants

- - -

DEPOSITION OF MICHAEL STUMPF
the Defendant herein, called by the Plaintiff under the
applicable Rules of Civil Procedure, taken before me,
Whitney Layne, a Notary Public for the State of Ohio, at
the law firm of Dinkler & Pregon, 5335 Far Hills Avenue,
Suite 117, Dayton, Ohio 45429 on December 7, 2015 at
8:27 a.m.

LAYNE & ASSOCIATES
6723 COOPERSTONE DRIVE
DUBLIN, OHIO 43017
614-309-1669

<p>1 APPEARANCES</p> <p>2</p> <p>3 NICHOLAS DICELLO, ESQUIRE</p> <p>4 SPANGENBERG, SHIBLEY & LIBER</p> <p>5 1001 Lakeside Avenue</p> <p>6 Suite 1700</p> <p>7 Cleveland, Ohio 44114</p> <p>8 on behalf of the Plaintiff</p> <p>9</p> <p>10 JAMEY PREGON, ESQUIRE</p> <p>11 DINKLER & PREGON</p> <p>12 5335 Far Hills Avenue</p> <p>13 Suite 123</p> <p>14 Dayton, Ohio 45429</p> <p>15 on behalf of the Sheriff</p> <p>16 Defendants</p> <p>17</p> <p>18 CARRIE STARTS, ESQUIRE</p> <p>19 ROBERT HOJNOSKI, ESQUIRE</p> <p>20 REMINGER CO., LPA</p> <p>21 525 Vine Street</p> <p>22 Suite 1700</p> <p>23 Cincinnati, Ohio 45202</p> <p>24 on behalf of the Defendants</p> <p>NaphCare, Inc., Nurse Felicia Foster,</p> <p>Nurse Jon Boehringer, Nurse Krisandra</p> <p>Miles, Medic Steven Stockhauser,</p> <p>and Brenda Garrett Ellis, M.D.</p> <p>Page 2</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 MICHAEL STUMPPFF</p> <p>4 BY MR. DICELLO.....Page 5</p> <p>5</p> <p>6 EXHIBIT INDEX</p> <p>7 Exhibit Marked</p> <p>8 3.....Page 79</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 4</p>
<p>1 December 7, 2015</p> <p>2 Monday Session</p> <p>3 8:27 a.m.</p> <p>4 - - -</p> <p>5 STIPULATIONS</p> <p>6</p> <p>7 It is stipulated by and among counsel for the</p> <p>8 respective parties that the deposition of MICHAEL STUMPPFF,</p> <p>9 the Defendant herein, called by the Plaintiff under the</p> <p>10 applicable Rules of Civil Procedure, may be taken at this</p> <p>11 time by the notary Whitney Layne; that said deposition may</p> <p>12 be reduced to writing in stenotypy by the notary, whose</p> <p>13 notes thereafter may be transcribed out of the presence of</p> <p>14 the witness; and that the proof of the official character</p> <p>15 and qualification of the notary is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 3</p>	<p>1 MICHAEL STUMPPFF</p> <p>2 Being first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Good morning. Can you please introduce</p> <p>7 yourself to the court reporter and spell your last name</p> <p>8 when you do?</p> <p>9 A My name is Michael Thomas Stumpff. Last name</p> <p>10 is spelled S-T-U-M-P-F-F.</p> <p>11 Q You are a corrections officer?</p> <p>12 A Correct.</p> <p>13 Q Employed by the Montgomery County Sheriff's</p> <p>14 Office; correct?</p> <p>15 A Yes, sir.</p> <p>16 Q How long have you been a CO?</p> <p>17 A Nearly five years.</p> <p>18 Q Correction Officer Stumpff, my name is Nick</p> <p>19 DiCello. We had a chance to meet off the record. Do you</p> <p>20 understand you're here to have your deposition taken</p> <p>21 today?</p> <p>22 A Yes, sir.</p> <p>23 Q Ever been deposed before?</p> <p>24 A No, sir.</p> <p>Page 5</p>

1 Q I'm sure you realize by now, but you're here to
2 have your deposition taken in connection with a lawsuit
3 that's been filed surrounding the death of Robert
4 Richardson back in 2012. Do you understand that?
5 A Yes, sir.
6 Q And you probably realize by now that I
7 represent the family of Robert Richardson. Do you
8 understand that?
9 A Yes, sir.
10 Q I'm sure that counsel explained to you what to
11 expect today in today's deposition, but I want to go over
12 just a couple ground rules so we have an understanding,
13 all right?
14 A Yes, sir.
15 Q You've done a nice job until now, but you have
16 to make sure that all your answers are audible; yes, no,
17 or words. That way the court reporter can take everything
18 down that we say, okay?
19 A Yes, sir.
20 Q And we'll have to wait for each other to stop
21 talking, because she can only take down one person at a
22 time. So if you can wait, even though you're going to
23 know what I'm asking, if you could just wait for me to
24 finish and I'll do the same for you, okay?

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1 A Yes, sir.
2 Q If you do give a nod or a shrug or an uh-huh or
3 huh-uh, somebody around the table is going to ask you for
4 clarification. It's not to be rude, it's just to get a
5 clear record, okay?
6 A I understand.
7 Q If you don't understand a question that I've
8 asked you, I want you to tell me that, okay?
9 A I understand.
10 Q Given that arrangement, if you answer a
11 question that I've asked, I'm going to assume you
12 understood it; is that fair?
13 A Yes, sir.
14 Q You understand you're under oath today?
15 A Yes, sir.
16 Q Have you ever testified in court for any
17 reason?
18 A Yes.
19 Q So you understand that the oath you're under
20 today is the same kind of oath that you take when you
21 testify before a judge and jury in a court of law?
22 A Yes, sir.
23 Q Do you understand that I'm going to be relying
24 on the truthfulness of your answers today in connection

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1 with this lawsuit?
2 A Yes, I understand.
3 Q I don't know how long this will take.
4 Sometimes they go quick, sometimes they can take awhile.
5 But if at any time you need a break for any reason, let me
6 know and we'll do that, all right?
7 A Yes, sir, I understand.
8 Q And it's not uncommon, Officer Stumpff, for
9 your memory to get jogged. So let's say 15 minutes from
10 now you remember something about an answer you gave or a
11 question that I asked that you want to correct or
12 supplement or revisit. I want to give you the
13 opportunity, and you should take the opportunity to do
14 that today for any question or answer, okay?
15 A Yes, sir.
16 Q All right. Little bit of background. It's not
17 to pry into your personal life, Officer, but are you from
18 the Southern Ohio area?
19 A Yes.
20 Q Can you tell me where you went to high school
21 and when you graduated?
22 A Beavercreek High School, graduated 2004.
23 Q Where is Beavercreek? Is that in Montgomery
24 County?

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1 A It's in Greene County.
2 Q Do you currently live in this area?
3 A Yes.
4 MR. DICELLO: We can go off the record for this
5 question.
6 (Discussion held off the record.)
7 BY MR. DICELLO:
8 Q Was that height and weight that you just told
9 me off the record about the same height and weight back in
10 May of 2012?
11 A I believe so.
12 Q So upon graduating high school in 2004, can you
13 tell me what you did for employment?
14 A After I graduated from high school, I went to
15 Eastern Kentucky University.
16 Q How long did you go to Eastern Kentucky?
17 A I graduated in 2008.
18 Q And what kind of degree did you graduate with?
19 A A Bachelor of Science in criminal justice.
20 Q And what was the plan upon graduation with that
21 type of degree?
22 A Pursue a career in law enforcement.
23 Q When did you make the decision that you wanted
24 to pursue a career in law enforcement?

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1 A When I was a teenager.

2 **Q And any particular reason?**

3 A Just always felt the drive to serve others and

4 to help those who can't help themselves.

5 **Q Is that one of the reasons you became a**

6 **corrections officer?**

7 A The corrections officer job was more of a

8 gateway into this field, get my -- my foot in the door,

9 into law enforcement.

10 **Q So upon graduation from Eastern Kentucky -- Was**

11 **that in '08?**

12 A I graduated in '08, yes.

13 **Q Where did you go for employment?**

14 A I had various jobs shortly after college before

15 I was able to get hired on at the sheriff's office. At

16 the time, and you may very well know, the country was in a

17 pretty serious recession, and it's pretty difficult for

18 college graduates to get into a field, any field for that

19 matter, if you weren't in something technical already. So

20 I held various jobs here and there, private security jobs,

21 worked at Greene County Airport, and then I got hired in

22 spring of '11 with the sheriff's office.

23 **Q What position were you hired into in the spring**

24 **of 2011?**

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1 A As a corrections officer with the Montgomery

2 County Sheriff's Office, February 15th, 2011. 15th.

3 **Q I'm sorry. February 15th, 2011, hired on as a**

4 **corrections officer; correct?**

5 A Correct.

6 **Q And were you stationed after your orientation**

7 **and training at the Montgomery County Jail?**

8 A Yes.

9 **Q So fair to say you've been working at the**

10 **Montgomery County Jail since 2011 through today?**

11 A Correct.

12 **Q When did you actually start at the jail?**

13 A That was my first day in the jail was my hire

14 date.

15 **Q Okay.**

16 A So --

17 **Q On May 19th, 2012 -- I should ask you. What**

18 **did you do, if anything, to prepare for today's**

19 **deposition, Officer?**

20 A I have spoken with my attorney and reviewed my

21 report. I've also viewed the video footage of the

22 incident.

23 **Q Had you reviewed video footage of the incident**

24 **any time prior to this lawsuit being filed?**

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1 A Yes.

2 **Q When was it that you reviewed the video footage**

3 **prior to a lawsuit being filed?**

4 A Well, I reviewed it even after the incident was

5 over and before it was filed. I mean, it was --

6 occasionally I would go through and review my reports, you

7 know, no particular reason.

8 **Q Okay.**

9 A I hadn't reviewed it again until I had been

10 told that I was being named in the lawsuit.

11 **Q Explain to me how is it that you have access to**

12 **the video?**

13 A I have not seen the video until I've been named

14 in the lawsuit and viewed it here.

15 **Q Okay. Understood.**

16 A That was the first time I had seen the video

17 footage of the incident.

18 **Q So on May 19th, 2012, do you remember what**

19 **watch you were working?**

20 A At the time, I was working third watch. I was

21 assigned to third watch.

22 **Q Remind me what the times are for third watch.**

23 A 3:30 p.m. to 11:30 p.m.

24 **Q And what was your assignment on that date, if**

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1 **you recall?**

2 A I was assigned to the fourth floor.

3 **Q And what kind of duties and responsibilities**

4 **does one have when they're assigned to the fourth floor on**

5 **third watch?**

6 A The fourth floor is a standard linear housing

7 unit. The same as any of other floor's responsibilities

8 include making sure the inmates have -- are fed and they

9 are given proper attention in any way that's necessary

10 from within the job realm, so to speak. I just take care

11 of them for eight hours there, make sure if they need

12 something, if they need jail request forms, if they need

13 to speak with -- if they need to speak with an attorney

14 I'll call their attorney for them, you know, we refer them

15 to kites so to speak, it's a jail request form, so I'll

16 answer request forms. And on that particular day, there

17 wasn't anything out of the ordinary for my normal job

18 duties, just managing the inmates' needs and expectations

19 on the fourth floor.

20 **Q And we'll go through the incident and I have an**

21 **iPad that has the video on it and I'll probably, may be**

22 **clumsy, but I'll probably show it to you and have you try**

23 **to identify who you are and what you are and where you**

24 **are.**

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<p>1 A Okay.</p> <p>2 Q But before we get into that, it's my</p> <p>3 understanding, based on your incident report, that you</p> <p>4 responded to the D Pod at about 3:22 p.m.; does that sound</p> <p>5 right?</p> <p>6 A That sounds correct.</p> <p>7 Q So what time did you typically arrive to work</p> <p>8 when you were assigned to third watch?</p> <p>9 A I usually get there about 15, 20 minutes before</p> <p>10 my shift starts to receive pass-ons and prepare for work.</p> <p>11 Q So on May 19th, 2012 when you responded to the</p> <p>12 D Pod cell 544, fair to say that you had probably just</p> <p>13 arrived to work within ten minutes or so?</p> <p>14 A That's a fair statement, yes.</p> <p>15 Q And do you recall how it was that you learned</p> <p>16 that there was an incident on the D Pod?</p> <p>17 A There was a radio broadcast from security</p> <p>18 control of an unknown medical emergency in Delta Pod, D</p> <p>19 Pod.</p> <p>20 Q Was that a broadcast through a radio that you</p> <p>21 had on your person?</p> <p>22 A Yes.</p> <p>23 Q And when you come to work, do you obtain a</p> <p>24 radio?</p> <p style="text-align: right;">Page 14</p>	<p>1 remember something, that's a fine answer.</p> <p>2 The people that -- I understand you don't</p> <p>3 recall who was in the elevator with you.</p> <p>4 A Uh-huh.</p> <p>5 Q Was it your recollection that those people were</p> <p>6 responding to the same incident with you?</p> <p>7 A Yes.</p> <p>8 Q I should have asked this a little earlier. You</p> <p>9 told me you've reviewed your statement and you've looked</p> <p>10 at the video. It's now almost 2016 and we're talking</p> <p>11 about things that happened in 2012.</p> <p>12 A Uh-huh.</p> <p>13 Q Independent of reviewing the video and</p> <p>14 reviewing your statement, do you have a memory of this</p> <p>15 incident in your own mind's eye?</p> <p>16 A Yes.</p> <p>17 Q Do you remember what Mr. Richardson looked</p> <p>18 like?</p> <p>19 A Vaguely, yes.</p> <p>20 Q How would you describe what he looked like?</p> <p>21 A He was a heavier set black male, late thirties</p> <p>22 maybe, maybe early forties, I don't -- he might have had</p> <p>23 some facial hair, but I don't quite remember. Short hair</p> <p>24 if any at all. That's about it.</p> <p style="text-align: right;">Page 16</p>
<p>1 A Yes.</p> <p>2 Q And so did you understand based on that radio</p> <p>3 transmission that it was your obligation to respond to the</p> <p>4 unit?</p> <p>5 A Yes.</p> <p>6 Q Do you remember if you responded alone or did</p> <p>7 you respond with others?</p> <p>8 A There were several others that I responded</p> <p>9 with.</p> <p>10 Q Do you remember who those folks were?</p> <p>11 A Officer Mayes was there, Officer Marshall was</p> <p>12 there.</p> <p>13 Q I want to make sure my question is clear.</p> <p>14 A All right.</p> <p>15 Q When you say people were there, I'm interested</p> <p>16 in who went with you as opposed to who was there when you</p> <p>17 got there.</p> <p>18 A Oh. You know, I don't particularly remember</p> <p>19 who was on the elevator with me on the ride up to the pod</p> <p>20 itself. I'm sure there were other people on the elevator</p> <p>21 with me.</p> <p>22 Q Okay.</p> <p>23 A I just at this time don't remember who.</p> <p>24 Q Fair enough. I should have said, if you don't</p> <p style="text-align: right;">Page 15</p>	<p>1 Q Prior to encountering Mr. Richardson on May</p> <p>2 19th, 2012, do you know if you had ever met him before?</p> <p>3 A No, I had not.</p> <p>4 Q You told me that the corrections officer</p> <p>5 position was, I think your phraseology was to kind of get</p> <p>6 your foot in the door in the law enforcement field; is</p> <p>7 that right?</p> <p>8 A Yes, sir.</p> <p>9 Q And what is your plan, if you could choose a</p> <p>10 plan, in terms of what kind of path you want to pursue in</p> <p>11 law enforcement?</p> <p>12 A If I had -- If all the doors were open, my plan</p> <p>13 would be to push towards federal law enforcement.</p> <p>14 Q What kind of position, marshal?</p> <p>15 A Not necessarily. Any of the three-letter</p> <p>16 agencies that would be hiring for federal law enforcement,</p> <p>17 I would go with any of them. I don't have any particular</p> <p>18 one agency that I'm inclined to go for.</p> <p>19 Q That's a pretty good way to describe it,</p> <p>20 three-letter agencies. There's plenty of those in the</p> <p>21 federal system.</p> <p>22 Any law enforcement experience outside of your</p> <p>23 experience as a corrections officer at the Montgomery</p> <p>24 County Jail?</p> <p style="text-align: right;">Page 17</p>

<p>1 A Any experience in corrections, you said? No.</p> <p>2 Q Any law enforcement experience?</p> <p>3 A I had armed private security experience with</p> <p>4 FEMA prior to working with the jail in Kentucky.</p> <p>5 Q Tell me a little bit about that experience.</p> <p>6 When and what you were doing?</p> <p>7 A That was in fall of -- was it fall of -- fall</p> <p>8 of '09, I believe. Kentucky had experienced severe</p> <p>9 natural catastrophes, and so FEMA went down and set up a</p> <p>10 joint field office in Lexington. And I applied for a</p> <p>11 position and got on as a private security contractor with</p> <p>12 them guarding the joint field office in Lexington.</p> <p>13 Q So how long did you have that position?</p> <p>14 A About six months. It was a seasonal position.</p> <p>15 When FEMA closed the field office, the position was no</p> <p>16 longer available.</p> <p>17 Q Any other security experience?</p> <p>18 A I worked for Ohio Entertainment Security at the</p> <p>19 Nutter Center for events.</p> <p>20 Q Have you received any training on issues</p> <p>21 involving prone restraint?</p> <p>22 A Have I received any issue -- any training on</p> <p>23 the issues involving prone restraint? Could you elaborate</p> <p>24 on that a little bit about what you mean?</p> <p style="text-align: right;">Page 18</p>	<p>1 Q And did you receive training about whether it's</p> <p>2 permissible to put somebody in prone restraint?</p> <p>3 A It's permissible when -- I believe it's</p> <p>4 permissible when you are attempting to restrain somebody</p> <p>5 who is being combative or who is potentially attempting to</p> <p>6 harm themselves or others. As a technique to gain</p> <p>7 control.</p> <p>8 Q And where did you learn that?</p> <p>9 A Through my training with the sheriff's office.</p> <p>10 Q Have you ever received any training or do you</p> <p>11 agree that a corrections officer must never apply</p> <p>12 restraints in ways that can restrict breathing?</p> <p>13 A Yes. That has been trained to us, to not put</p> <p>14 anyone in a position where it would potentially affect</p> <p>15 their ability to breathe.</p> <p>16 Q That's one of the rules that corrections</p> <p>17 officers have to follow at the Montgomery County Jail;</p> <p>18 correct?</p> <p>19 A That's correct.</p> <p>20 Q Corrections officers must only use force that</p> <p>21 is reasonable; agreed?</p> <p>22 A Agreed.</p> <p>23 Q Corrections officers must only use force that</p> <p>24 is reasonably necessary under the circumstances; do you</p> <p style="text-align: right;">Page 20</p>
<p>1 Q Well, the other rule is I ask the questions.</p> <p>2 But if you don't understand a question, let me know, okay,</p> <p>3 which is fine.</p> <p>4 A Sorry.</p> <p>5 Q No, you're doing fine.</p> <p>6 Have you ever heard the term "prone restraint"?</p> <p>7 A Yes.</p> <p>8 Q What do you understand prone restraint to mean?</p> <p>9 A Prone restraint is simply what it says, it's on</p> <p>10 the ground and being restrained. Occasionally, it's a</p> <p>11 technique used when handling a combative person --</p> <p>12 Q Okay.</p> <p>13 A -- in order to gain control.</p> <p>14 Q When you say "on the ground," what position is</p> <p>15 the body if it's prone?</p> <p>16 A Laid out.</p> <p>17 Q What do you mean?</p> <p>18 A Flat. Feet at one end, head at the other.</p> <p>19 Q Does prone consider somebody who is faceup on</p> <p>20 the ground laid out or facedown on the ground laid out?</p> <p>21 A Usually refers to facedown.</p> <p>22 Q So your understanding of prone restraint is</p> <p>23 when somebody is laid facedown on the ground; correct?</p> <p>24 A Correct.</p> <p style="text-align: right;">Page 19</p>	<p>1 agree with that?</p> <p>2 A Yes, I agree.</p> <p>3 Q If corrections officers use force that is</p> <p>4 unnecessary under the circumstances, that's excessive</p> <p>5 force; correct?</p> <p>6 MR. PREGON: Objection.</p> <p>7 Go ahead and answer. Sometimes I'll object.</p> <p>8 But if I tell you to answer, go ahead and answer. I'll</p> <p>9 tell if you you're not supposed to answer the question.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MR. DICELLO:</p> <p>12 Q Yeah, I should have told you that. Do you want</p> <p>13 the question again?</p> <p>14 A Yes. Can you please repeat that again?</p> <p>15 Q A corrections officer who uses force that is</p> <p>16 unnecessary under the circumstances is using excessive</p> <p>17 force; true?</p> <p>18 MR. PREGON: Objection.</p> <p>19 Go ahead.</p> <p>20 A Yes, that is true.</p> <p>21 BY MR. DICELLO:</p> <p>22 Q Excessive force is never permitted, is it?</p> <p>23 MR. PREGON: Objection.</p> <p>24 Go ahead.</p> <p style="text-align: right;">Page 21</p>

1 A That is correct.
 2 BY MR. DICELLO:
 3 **Q So one of the jobs of a corrections officer is**
 4 **to make sure the corrections officer, him or herself,**
 5 **never uses excessive force; is that correct?**
 6 A That's correct.
 7 **Q And another job of a corrections officer is to**
 8 **make sure that none of his fellow, his or her fellow**
 9 **corrections officers, ever use excessive force; correct?**
 10 MR. PREGON: Objection.
 11 Go ahead.
 12 A That's correct.
 13 BY MR. DICELLO:
 14 **Q When you became a corrections officer, I think**
 15 **you probably took an oath? Do you remember that?**
 16 MR. PREGON: I don't think they're sworn.
 17 A We're not sworn.
 18 BY MR. DICELLO:
 19 **Q Okay.**
 20 A But I'm aware of what you're referring to.
 21 **Q But you've never been sworn to take an oath to**
 22 **uphold this, that, or the other?**
 23 A We are not sworn employees, no.
 24 **Q Do you understand that you have a**

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1 **responsibility to protect the members of our community who**
 2 **are detained at the Montgomery County Jail, that you have**
 3 **a responsibility to protect their constitutional rights?**
 4 MR. PREGON: Objection.
 5 Go ahead.
 6 A Yes, I'm aware.
 7 BY MR. DICELLO:
 8 **Q What constitutional rights are you supposed to**
 9 **be protecting?**
 10 MR. PREGON: Objection.
 11 Go ahead.
 12 A All of them.
 13 BY MR. DICELLO:
 14 **Q That's a good place to start. Can you name any**
 15 **of them?**
 16 A We're there to -- They're there to -- We are
 17 allowed to protect or we're obligated to protect all their
 18 civil rights, their basic rights to life, I guess. I
 19 mean, obviously there are certain -- when you are
 20 incarcerated, you are restricted of -- stripped of some of
 21 your rights, you know. That's the whole point of being
 22 incarcerated. So you are limited to what you can or
 23 cannot do or say in jail.
 24 **Q Can I stop you right there? Was Robert**

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1 **Richardson incarcerated?**
 2 MR. PREGON: Objection.
 3 Go ahead.
 4 A Yes. He was currently in the custody of the
 5 Montgomery County Jail.
 6 BY MR. DICELLO:
 7 **Q So back to my question I'm asking. You said**
 8 **part of your job is to make sure you're protecting people**
 9 **like Robert Richardson's civil and constitutional rights,**
 10 **is that what you said?**
 11 A Yes.
 12 **Q And my question is: What constitutional rights**
 13 **are you responsible for protecting?**
 14 MR. PREGON: Objection.
 15 Go ahead.
 16 A You know, I mean, I don't know if I need to
 17 break out a copy of the Constitution. I mean, I'm not
 18 versed well enough in that to sit here and quote specific,
 19 you know, constitutional rights to you. But what I can
 20 tell you is that I'm there to protect him and give him his
 21 right to counsel, his right to free speech within, you
 22 know, reason. Short of creating a riot, obviously.
 23 **Q Okay.**
 24 A If he needs legal counsel, obviously we're

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1 going to provide him that. If they need medical
 2 attention, we're going to provide them that. You know,
 3 basic things that a human requires to live, those are
 4 things we are going to provide them and that we have an
 5 obligation to provide.
 6 **Q Did Robert Richardson require medical attention**
 7 **on May 19th, 2012?**
 8 A Yes.
 9 **Q So it was part of the corrections officers'**
 10 **jobs to provide him with that medical attention; correct?**
 11 A Yes.
 12 MR. PREGON: Objection.
 13 THE WITNESS: I'm sorry.
 14 A Yes.
 15 BY MR. DICELLO:
 16 **Q Officer Stumpff, placing members of the**
 17 **community who are in restraints -- and when I use the term**
 18 **"restraints," let's make sure we have an understanding.**
 19 **I'm talking about handcuffs would include restraints;**
 20 **correct?**
 21 A Yes.
 22 **Q Holding somebody's hands behind their back**
 23 **would be a form of restraint; correct?**
 24 A Yes.

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<p>1 Q So when I'm talking about restraints, I'm</p> <p>2 talking about any physical force or mechanical apparatus</p> <p>3 that would restrain someone. Is that consistent with your</p> <p>4 understanding of the term "restraints"?</p> <p>5 A Yes, sir.</p> <p>6 Q All right. Placing members of the community</p> <p>7 who are in restraints in prone position is never an</p> <p>8 acceptable practice, is it?</p> <p>9 MR. PREGON: Objection.</p> <p>10 Go ahead.</p> <p>11 A No, it's not.</p> <p>12 BY MR. DICELLO:</p> <p>13 Q Placing members of the community who are in</p> <p>14 restraints or handcuffs in a prone position is prohibited</p> <p>15 at the jail, isn't it?</p> <p>16 MR. PREGON: Objection.</p> <p>17 Go ahead.</p> <p>18 A According to policy, yes, it is.</p> <p>19 BY MR. DICELLO:</p> <p>20 Q According to the written policy it is; correct?</p> <p>21 A Correct.</p> <p>22 Q But the custom around the jail permits you to</p> <p>23 put people in prone restraint, doesn't it?</p> <p>24 MR. PREGON: Objection.</p> <p style="text-align: right;">Page 26</p>	<p>1 A I believe that is correct.</p> <p>2 BY MR. DICELLO:</p> <p>3 Q I've got a definition here of prone restraint.</p> <p>4 You're going to have to bear with me, because it's a wordy</p> <p>5 one, okay?</p> <p>6 A (Nods head.)</p> <p>7 Q So make sure you follow me here, Officer.</p> <p>8 A Okay.</p> <p>9 Q Do you understand that prone restraint is</p> <p>10 appropriately defined as "all items or measures used to</p> <p>11 limit or control the movement or normal functioning of any</p> <p>12 portion or all of an individual's body while the</p> <p>13 individual is in a facedown position for an extended</p> <p>14 period of time"? Agreed?</p> <p>15 MR. PREGON: I'm going to object.</p> <p>16 And just for the record, Nick, I know that's</p> <p>17 from the Mental Health Code. I don't know that that's</p> <p>18 applicable in the law enforcement area. But I'll let him</p> <p>19 answer the question. But I'm objecting for the record.</p> <p>20 MR. DICELLO: I'd appreciate just an objection;</p> <p>21 foundation, form. But I don't think it's appropriate to</p> <p>22 testify during your objection as to where this comes from</p> <p>23 or if it's applicable or not. The witness can answer</p> <p>24 that.</p> <p style="text-align: right;">Page 28</p>
<p>1 Go ahead.</p> <p>2 A If it is necessary to obtain compliance and in</p> <p>3 doing so creates -- prevents them from hurting themselves</p> <p>4 or others, yes, that is done.</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Do you understand why there's a rule against</p> <p>7 putting people in prone restraint?</p> <p>8 A Yes, I understand.</p> <p>9 Q And what is your understanding of why that is a</p> <p>10 prohibited and unacceptable practice?</p> <p>11 A There have been instances, not in our jail, but</p> <p>12 instances in other correctional institutions and in law</p> <p>13 enforcement where a person placed in restraints, while</p> <p>14 proned out, may experience positional asphyxiation.</p> <p>15 Q And you're saying, I heard you say that's never</p> <p>16 happened at the Montgomery County Jail?</p> <p>17 A Not to my knowledge.</p> <p>18 Q Do you know what happened to Robert Richardson?</p> <p>19 A He experienced a medical -- some sort of</p> <p>20 medical condition and died.</p> <p>21 Q Mr. Richardson stopped breathing while in prone</p> <p>22 restraint at the jail; correct?</p> <p>23 MR. PREGON: Objection.</p> <p>24 Go ahead.</p> <p style="text-align: right;">Page 27</p>	<p>1 MR. PREGON: I'm just preserving the record,</p> <p>2 Nick, and I won't do it again. Because you've done it in</p> <p>3 the past and I haven't done that.</p> <p>4 MR. DICELLO: I don't agree with your</p> <p>5 statement, just for the record.</p> <p>6 MR. PREGON: And I know you don't.</p> <p>7 MR. DICELLO: Okay.</p> <p>8 MR. PREGON: But go ahead.</p> <p>9 BY MR. DICELLO:</p> <p>10 Q This is what we do sometimes. You probably</p> <p>11 need the question again, don't you?</p> <p>12 A I heard your definition. Just the question.</p> <p>13 Q The question is: Do you agree with that</p> <p>14 definition of prone restraint that I gave?</p> <p>15 MR. PREGON: Objection.</p> <p>16 Go ahead.</p> <p>17 A Yes.</p> <p>18 BY MR. DICELLO:</p> <p>19 Q Have you ever heard the term "transitional</p> <p>20 hold"?</p> <p>21 A No.</p> <p>22 Q So I presume since you've never heard that term</p> <p>23 you've never received any training where somebody said,</p> <p>24 "Hey, this is what a transitional hold is"; correct?</p> <p style="text-align: right;">Page 29</p>

<p>1 MR. PREGON: Objection.</p> <p>2 Go ahead.</p> <p>3 A No, I've never heard anyone use that in our</p> <p>4 training.</p> <p>5 BY MR. DICELLO:</p> <p>6 Q You mentioned earlier that the written policy</p> <p>7 at the jail indicates that prone restraint is never an</p> <p>8 acceptable practice and is prohibited; correct?</p> <p>9 A That's correct.</p> <p>10 Q But then you told me that the custom, what the</p> <p>11 corrections officers actually do at the jail, is sometimes</p> <p>12 they prone people out and restrain them; correct?</p> <p>13 A That is correct.</p> <p>14 Q What's your understanding or what training have</p> <p>15 you had, if any, as to how long people can be placed in</p> <p>16 prone restraint at the jail?</p> <p>17 A There's no set specific amount of time.</p> <p>18 However, because it is widely regarded as a practice not</p> <p>19 to be used, we use it only when absolutely necessary to</p> <p>20 handcuff somebody. And once they've been handcuffed,</p> <p>21 they're immediately removed from the prone position to</p> <p>22 prevent possible positional asphyxiation. It's used only</p> <p>23 as -- just to get the handcuffs on, roll them, stand them</p> <p>24 up.</p> <p style="text-align: right;">Page 30</p>	<p>1 are, you know, typically compliant, okay, or we're</p> <p>2 attempting to gain compliance from. Once that compliance</p> <p>3 is gained, we'll try to stand them up to get them out of</p> <p>4 that position.</p> <p>5 Q Okay.</p> <p>6 A Robert wasn't able to do that for whatever</p> <p>7 reason, okay?</p> <p>8 Q Okay.</p> <p>9 A We couldn't just stand him up and walk him down</p> <p>10 the stairs, you know?</p> <p>11 Q Okay.</p> <p>12 A You know and I know that he was obviously</p> <p>13 having problems. So we didn't leave him facedown like</p> <p>14 that out of negligence, okay?</p> <p>15 Q Okay.</p> <p>16 A He was still unable to comply with officers</p> <p>17 even after handcuffed.</p> <p>18 Q Let me follow up on a couple things you said.</p> <p>19 A Okay.</p> <p>20 Q There was a struggle?</p> <p>21 A Absolutely.</p> <p>22 Q Robert Richardson struggled with officers while</p> <p>23 facedown; true?</p> <p>24 A In multiple positions while struggling with</p> <p style="text-align: right;">Page 32</p>
<p>1 Q Where did you learn that?</p> <p>2 A Through training.</p> <p>3 Q So that's what should have happened to Robert</p> <p>4 Richardson?</p> <p>5 MR. PREGON: Objection.</p> <p>6 BY MR. DICELLO:</p> <p>7 Q Right? As soon as the cuffs were put on, he</p> <p>8 should have been removed from the prone position just like</p> <p>9 you said; correct?</p> <p>10 MR. PREGON: Objection.</p> <p>11 Go ahead.</p> <p>12 A That could have happened if Robert was</p> <p>13 compliant to begin with, but he was not.</p> <p>14 BY MR. DICELLO:</p> <p>15 Q Compliant with what?</p> <p>16 A "Compliant" is not the right word. If he was</p> <p>17 able to follow commands and comply with officers' orders.</p> <p>18 But he was not. He was thrashing his body around in such</p> <p>19 a violent manner that there was no -- he was not in any</p> <p>20 condition to respond to us, for whatever reason,</p> <p>21 unbeknownst to us. He was so physically violent, like I</p> <p>22 said, thrashing around, that there was no way for us to</p> <p>23 just roll him -- for him to comply. What I'm talking</p> <p>24 about, that prone-out position, that works for people who</p> <p style="text-align: right;">Page 31</p>	<p>1 officers. Yes, at one point in time he was facedown.</p> <p>2 Q Did anyone ever try to get him on his feet?</p> <p>3 A Yes, we tried to -- we tried to get him up out</p> <p>4 of the cell, yes.</p> <p>5 Q You tried to stand him up on his feet?</p> <p>6 A We tried to, but he, again, was thrashing his</p> <p>7 body around on the ground. We struggled to just control</p> <p>8 him enough to even stand him up.</p> <p>9 Q Who tried to stand Robert up on his feet and</p> <p>10 when did that happen, Officer?</p> <p>11 A I don't particularly remember exactly who. The</p> <p>12 officers that were present, we tried to stand him up. But</p> <p>13 obviously he was too violent to stand up, so we had to</p> <p>14 keep him down to prevent him from hurting himself or</p> <p>15 others.</p> <p>16 Q You told me in your other answer that Robert</p> <p>17 Richardson, for some unknown reason, I'm paraphrasing,</p> <p>18 wasn't able to comply with officers' commands; is that</p> <p>19 correct?</p> <p>20 A I believe that's what I said, yes.</p> <p>21 Q And do you know whether Robert Richardson was</p> <p>22 just intentionally not complying or whether he couldn't</p> <p>23 control his --</p> <p>24 A I can't speak.</p> <p style="text-align: right;">Page 33</p>

<p>1 Q -- self?</p> <p>2 A I'm sorry for interrupting.</p> <p>3 Q Go ahead.</p> <p>4 A I cannot speak to his state of mind at the</p> <p>5 time.</p> <p>6 Q So I think you explained to me the prone</p> <p>7 restraint position, and then getting them up off their</p> <p>8 feet because of the dangers associated with the prone</p> <p>9 restraint position, is for people who can comply with</p> <p>10 commands; correct?</p> <p>11 A Yes.</p> <p>12 Q But for people who can't comply with commands,</p> <p>13 do you just hold them down in prone restraint?</p> <p>14 A We try to keep them at least on their side as</p> <p>15 opposed to facedown on the ground. Again, if they're</p> <p>16 handcuffed behind their back on the ground, we try to</p> <p>17 prevent that as much as possible, and if they are in that</p> <p>18 position, we try to limit that to as brief and short a</p> <p>19 period as humanly possible.</p> <p>20 Q Do you know how long Robert Richardson was on</p> <p>21 the ground in this case before he died?</p> <p>22 A I do not know that specific amount of time.</p> <p>23 Q I've watched the video, you've watched the</p> <p>24 video, I've deposed a lot of the other corrections</p> <p style="text-align: right;">Page 34</p>	<p>1 death after struggling with corrections officers for as</p> <p>2 short as only three minutes. Have you ever heard of any</p> <p>3 kind of rule like that?</p> <p>4 A No.</p> <p>5 MR. PREGON: Objection.</p> <p>6 THE WITNESS: I'm sorry.</p> <p>7 MR. PREGON: Go ahead.</p> <p>8 A No, I've never heard of that rule before.</p> <p>9 BY MR. DICELLO:</p> <p>10 Q Do you agree that a corrections officer must</p> <p>11 never restrain a person in a way that poses an unnecessary</p> <p>12 risk of death?</p> <p>13 MR. PREGON: Objection.</p> <p>14 A Yes. Yes, I agree.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q Because if a corrections officer restrains</p> <p>17 someone in a position that poses an unnecessary risk of</p> <p>18 death, that's an unnecessary use of force; correct?</p> <p>19 MR. PREGON: Objection.</p> <p>20 Go ahead.</p> <p>21 A Yes.</p> <p>22 BY MR. DICELLO:</p> <p>23 Q And we talked about unnecessary force is</p> <p>24 excessive force; right?</p> <p style="text-align: right;">Page 36</p>
<p>1 officers that were there. My question for you is: Fair</p> <p>2 to say that the video shows the incident with Robert on</p> <p>3 the ground about 22 minutes before he goes lifeless?</p> <p>4 MR. PREGON: Objection.</p> <p>5 You can answer that.</p> <p>6 A I believe that's about the amount of time the</p> <p>7 video shows.</p> <p>8 BY MR. DICELLO:</p> <p>9 Q And during that 22-minute time, Officer, would</p> <p>10 you agree that there are periods of time where Robert</p> <p>11 Richardson is on his belly facedown?</p> <p>12 A Yes.</p> <p>13 Q Robert Richardson at the time -- Were you there</p> <p>14 when he stopped breathing?</p> <p>15 A Yes.</p> <p>16 Q At the time Robert Richardson was noticed to</p> <p>17 have gone lifeless and stopped breathing, he was facedown</p> <p>18 on his belly; correct?</p> <p>19 A Yes.</p> <p>20 Q Have you ever heard anything, and maybe you</p> <p>21 never heard the phraseology, but a concept in corrections</p> <p>22 or law enforcement where some people call it the</p> <p>23 three-minute rule? And what that is is there's a rule</p> <p>24 that says a detainee is at an elevated risk of sudden</p> <p style="text-align: right;">Page 35</p>	<p>1 A Yes.</p> <p>2 Q When faced with two or more ways to restrain a</p> <p>3 detainee, Officer, a corrections officer must always</p> <p>4 choose the safer way; true?</p> <p>5 A Yes.</p> <p>6 Q Are you familiar with any research in your</p> <p>7 field that has shown that prone restraint is a hazardous</p> <p>8 and potentially lethal position?</p> <p>9 A I don't know of any research. I've only ever</p> <p>10 been told in training of the concept of positional</p> <p>11 asphyxiation. That's about it.</p> <p>12 Q Do you know whether or not the use of prone</p> <p>13 restraint is prohibited in the State of Ohio?</p> <p>14 A No, I don't know anything about that.</p> <p>15 Q Have you ever heard, prior to this lawsuit</p> <p>16 being filed, have you ever heard about or seen an</p> <p>17 executive order that bans prone restraint in the State of</p> <p>18 Ohio from the governor?</p> <p>19 MR. PREGON: Objection.</p> <p>20 Go ahead.</p> <p>21 A No.</p> <p>22 BY MR. DICELLO:</p> <p>23 Q Is the first time you're learning about this</p> <p>24 executive order from me during this deposition?</p> <p style="text-align: right;">Page 37</p>

1 A Yes.

2 Q As a general rule, and I think you've testified

3 to this but I want to ask, as a general rule that

4 corrections officers must follow to avoid injury to people

5 in our community who are detained at the Montgomery County

6 Jail, as soon as someone is handcuffed behind his or her

7 back, the general rule of thumb is to get that person off

8 his or her stomach; correct?

9 A That is correct.

10 Q Now, we're going to go through the incident

11 kind of step-by-step in a minute, Officer Stumpff. But

12 first, I want to kind of ask some things, what did you

13 know and maybe what you didn't know. But at the time you

14 encountered Mr. Richardson, you knew that he was not armed

15 with a weapon; correct?

16 MR. PREGON: Objection.

17 A No, I did not know that.

18 BY MR. DICELLO:

19 Q Did you pat him down to make sure he didn't

20 have a weapon?

21 A That opportunity was not made available.

22 Q Ever?

23 A Not during -- At least not during the course of

24 gaining control of him.

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1 Q So is it your testimony that from the time you

2 encountered him up through the time of his death you were

3 thinking in your own mind that Robert Richardson may have

4 a weapon?

5 A It's always a possibility.

6 Q Did you do anything to rule that out, to

7 determine whether or not he had a weapon?

8 A No.

9 Q Did anyone, any sergeant or any supervisor or

10 any fellow corrections officer, ever instruct you to pat

11 him down to see if he has a weapon?

12 A No.

13 Q Did you instruct any of your fellow corrections

14 officers to pat him down to see if Robert had a weapon on

15 him?

16 A No.

17 Q I had the opportunity to depose Sergeant Lewis.

18 A Yes, sir.

19 Q Was he one of your supervisors on May 19th,

20 2012?

21 A Yes.

22 Q And I've had the opportunity to depose some

23 other officers. Sergeant Lewis and Corrections Officer

24 Dustin Johnson, is he a fellow corrections officer?

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1 A Yes, sir.

2 Q Those are two names that come to mind of the

3 depositions that I've already taken. And their

4 transcripts that are typed up will speak for themselves.

5 My recollection is that they testified that within a

6 matter of less than a minute upon encountering Robert

7 Richardson corrections officers were able to have Robert

8 Richardson on the ground with his hands cuffed behind his

9 back. Is that consistent with your recollection?

10 MR. PREGON: I think you have Lewis and Jackson

11 mixed up.

12 MR. DICELLO: Maybe I do.

13 BY MR. DICELLO:

14 Q Let me state it this way: Based on the

15 testimony from people I've already deposed, it's my

16 understanding that from the time Mr. Richardson was

17 encountered to the time he was on the ground with his

18 hands cuffed behind his back was less than a minute. Is

19 that consistent with your recollection?

20 MR. PREGON: Objection.

21 Go ahead.

22 A I don't know the specific time it took to do

23 that. You know, obviously the video will show exactly how

24 long it took. It was a brief period of time that it took

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1 for us to get him in cuffs. It always seems like a

2 lifetime when you're involved in the situation. But I'm

3 not sure. You'll have to look at the video and look at

4 the specific time it took from the time of the encounter

5 until the time he was cuffed. If the video shows it was

6 that amount of time, then obviously it was. But it was

7 only a very brief period of time is all I can say as far

8 as how long it took to get him cuffed.

9 BY MR. DICELLO:

10 Q You said that Mr. Richardson was behaving very

11 violent. Is that what you said?

12 A Yes.

13 Q Did he hurt anyone?

14 A I don't believe anyone was physically injured

15 as a result of his actions. I don't believe his bunkmate

16 or any officers were physically injured as a result of his

17 actions, no.

18 Q Did he try to hurt anybody?

19 A I don't think he was intentionally trying to

20 hurt anyone, no.

21 Q Others have testified that Mr. Richardson

22 didn't violate any jail rules. Would you agree with that?

23 A Upon my response, I was not aware of any jail

24 rule violations at that time.

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<p>1 Q And Mr. Richardson didn't commit any crime; 2 correct?</p> <p>3 A While he was -- You said "didn't commit any 4 crime." Are you -- Are you assuming he didn't do it, he 5 just happened to magically appear in jail and walk in and 6 pick a cell? He had to be arrested for something, 7 otherwise --</p> <p>8 Q What crime was he arrested for; do you know?</p> <p>9 A He was in jail for failure to appear in a 10 juvenile case.</p> <p>11 Q While in jail, he didn't commit any crime; 12 correct?</p> <p>13 MR. PREGON: Objection.</p> <p>14 A To my knowledge, no.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q When you first encountered Mr. Richardson, he 17 was on the ground; true?</p> <p>18 MR. PREGON: When he personally; right?</p> <p>19 MR. DICELLO: Yeah.</p> <p>20 A When I responded, officers were in the process 21 of trying to gain control. Whether he was facedown on the 22 ground, on his knees, you know, it was a -- I don't -- I 23 don't particularly recall the specific physical position 24 he was in the moment I showed up at the door.</p> <p style="text-align: right;">Page 42</p>	<p>1 breathe; correct?</p> <p>2 MR. PREGON: Objection.</p> <p>3 A He may have said that, yes.</p> <p>4 BY MR. DICELLO:</p> <p>5 Q Mr. Richardson has been described by other 6 corrections officers as appearing disoriented. Did you 7 have any appreciation of his demeanor?</p> <p>8 A I understood that he was -- He appeared 9 delirious. And I guess "disoriented" is a word you could 10 use to describe his state of panic.</p> <p>11 Q And since you were there -- And that's a good 12 way to describe it. But I'm kind of interested in what is 13 it that you saw that brought you to that conclusion that 14 this guy is delirious or in a state of panic or 15 disoriented.</p> <p>16 A He was -- The things -- The cursing and the 17 screaming and the ranting and raving he was going on 18 about, in our opinion, were not consistent with somebody 19 who was -- you know, he was just acting very strange. 20 It's kind of hard to describe, to be honest with you. For 21 someone who was -- you walk up and you see someone going 22 crazy inside of his cell, having had no prior knowledge of 23 what was going on with this guy, no prior contact, and 24 he's cursing and threatening to kill you for reasons</p> <p style="text-align: right;">Page 44</p>
<p>1 BY MR. DICELLO:</p> <p>2 Q Okay.</p> <p>3 A I just remember we were struggling to gain 4 control of him at the time. His initial position, I 5 obviously don't remember.</p> <p>6 Q Fair enough.</p> <p>7 You understood that Mr. Richardson was 8 suspected to be having some type of medical episode; 9 correct?</p> <p>10 A That is correct.</p> <p>11 Q Did you know that Mr. Richardson was obese?</p> <p>12 A He appeared overweight to me.</p> <p>13 Q Mr. Richardson was asking to be let up; 14 correct?</p> <p>15 A I don't remember him saying that. He may have 16 said that. But I don't remember him -- I remember him 17 cursing and screaming at us to let him go, but I don't 18 know about being -- to say "let up."</p> <p>19 Q Mr. Richardson was trying to get up; true?</p> <p>20 A Yes.</p> <p>21 Q But the corrections officers were holding him 22 down; true?</p> <p>23 A Yes, we restrained him.</p> <p>24 Q Mr. Richardson was indicating that he couldn't</p> <p style="text-align: right;">Page 43</p>	<p>1 unbeknownst to you.</p> <p>2 Q He threatened to kill you?</p> <p>3 A He was threatening physical harm and all kinds 4 of stuff to people. That's why it was so strange. For 5 someone who -- For some unknown reason. No one was 6 there -- No one was there to provoke him or threaten him 7 or carry on. So what would, you know, what would cause a 8 person to start making such unknown bizarre threats and 9 comments, you know? So his appearance and his demeanor 10 were strange, you know, just real weird. And that's -- 11 you know, when you talk about his disorientation or his -- 12 his demeanor at the time, I mean, yeah, he was -- there 13 was something -- there was something clearly wrong with 14 him.</p> <p>15 Q Okay.</p> <p>16 A What, we didn't know.</p> <p>17 Q Did anyone ever inform you during this 18 encounter that Mr. Richardson had hypertension?</p> <p>19 A I didn't know of any of his medical issues.</p> <p>20 Q If you knew Mr. Richardson had hypertension, 21 would you have done anything differently?</p> <p>22 A No. I mean, I respond immediately. I'm not a 23 medical professional. My job was to control -- maintain 24 control of the situation.</p> <p style="text-align: right;">Page 45</p>

1 **Q** As far as you knew, Mr. Richardson had no
2 history of being violent in the jail?
3 **A** To my knowledge at the time, no.
4 **Q** And some people have explained this to me, how
5 folks at the jail are housed and the different reasons
6 people are classified. But with respect to the D Pod as
7 of May of 2012, was it your understanding that those are
8 detainees who are at the least risk for violent behavior
9 in the jail?
10 **A** That's a fair statement, yeah.
11 **Q** So I want to focus your attention as of the
12 time that Mr. Richardson is on the ground with his hands
13 cuffed behind his back. Can you estimate about how many
14 corrections officers were on the immediate scene as of
15 that time?
16 **A** Probably five or six COs and Sergeant Lewis and
17 Sergeant Jackson.
18 **Q** So five to seven or eight corrections officers?
19 **A** Yeah, somewhere around that range, I believe.
20 **Q** Did you believe at the time that the Montgomery
21 County Jail had enough corrections officers there to
22 control the situation?
23 **A** Yes.
24 **Q** If all of the corrections officers needed to

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1 get involved, it would have been seven or eight on one;
2 correct?
3 **A** I'm sorry, could you say that again?
4 **Q** I think the video will show that some
5 corrections officers, the sergeants didn't really go
6 hands-on, and then there were other corrections officers
7 that were actually hands-on; correct?
8 **A** I think the video shows that.
9 **Q** But what I'm saying is that if there was some
10 need for every corrections officer on scene to get
11 involved and go hands-on, it would have been seven to
12 eight men versus one man; correct?
13 **A** I don't know about versus one man, but there
14 would have been seven or eight people there to help
15 control the situation.
16 **Q** Once there was seven or eight of you there, and
17 Mr. Richardson was being restrained with his hands behind
18 his back, did he pose any threat to you?
19 **A** Once he was restrained, no, at the time he was
20 not posing a threat.
21 **Q** And once he was cuffed with his hands behind
22 his back and restrained on the ground, was he posing a
23 threat to anyone else?
24 **A** No.

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1 **Q** Officer Stumpff, you've testified about and
2 you've used the term "positional asphyxiation" and you've
3 told me that you've had some training in that regard and
4 you've talked about some of the policies. Have you been
5 trained about the risk factors that make one detainee at a
6 higher risk from another to die from positional
7 asphyxiation? Have you ever seen any training in that
8 regard?
9 **A** No, sir.
10 **Q** Do you know whether obesity is a risk factor
11 that weighs in favor of positional asphyxia?
12 **A** Not that I know of.
13 **Q** Do you know whether preexisting heart disease
14 is a risk factor for positional asphyxia death?
15 **A** Not that I know of.
16 **Q** Do you know if pressure on the back or the head
17 or the neck while in a prone position is a risk factor for
18 positional asphyxia death?
19 **A** It can be.
20 **Q** When can it be and when is it not, if you know?
21 **A** If you were to put any extra pressure or
22 something on someone's back or neck or something like
23 that, you could potentially cause problems with their
24 breathing.

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1 **Q** What about pressure on the abdomen? Do you
2 know if that's a risk factor for positional asphyxia?
3 **A** I don't know.
4 **Q** We've talked about obesity. But do you know
5 whether somebody who has a large abdomen is at more risk
6 of dying from positional asphyxia when in the prone
7 position?
8 **A** I don't know, no.
9 **Q** Do you know if a struggle increases the risk of
10 someone dying of positional asphyxia?
11 **A** Not to my knowledge.
12 **Q** Do you know if the use of rear handcuffing
13 while someone is in a prone position increases or is a
14 risk factor for positional asphyxia death?
15 **A** I don't know if it is. I mean, that typically
16 tends to be when somebody -- when somebody dies from that,
17 they're typically handcuffed behind their back. But I
18 don't know if that's a contributor to it or not.
19 **Q** What about folks with an enlarged heart? Do
20 you know if having cardiomegaly or having an enlarged
21 heart is a risk factor for positional asphyxia?
22 **A** No, sir.
23 **Q** You've told me that Robert Richardson was
24 threatening people with violence; correct?

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1 A Yes.

2 Q Did anyone document that in any narrative

3 report?

4 A I don't have everyone's report in front of me.

5 Q You didn't document it in yours?

6 A I did not document it in my report, no.

7 Q Why not?

8 A Didn't seem relevant at the time.

9 Q So the fact --

10 A So --

11 Q Let me follow up with a question.

12 A Uh-huh.

13 Q The fact that Robert Richardson was, according

14 to your testimony, threatening people with violence was

15 not relevant to you restraining him for 22 minutes, is

16 that your testimony?

17 MR. PREGON: Objection.

18 Go ahead.

19 A We restrained him to possibly hurting himself

20 or others.

21 BY MR. DICELLO:

22 Q I'm sorry?

23 A We restrained him to prevent him from possibly

24 -- Sorry.

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1 Q Go ahead. Take your time.

2 A We restrained him to prevent possible injury to

3 himself or others.

4 Q And what did Mr. Richardson do to demonstrate

5 to you that he was going to injure others?

6 A The screaming, the yelling, his thrashing

7 around, you know, his inability to comply with orders to

8 put his hands behind his back and to, you know, cuff up,

9 you know. So any time somebody is refusing to follow

10 basic commands, there's -- that's usually an indication of

11 their willingness to comply. Could potentially lead to a

12 violent encounter.

13 Q Did anyone ever instruct you to get

14 Mr. Richardson to his feet?

15 A I don't remember ever being told that, no.

16 Q During this episode, before Mr. Richardson died

17 there in the D Pod on the catwalk, did any of your

18 supervisors or fellow corrections officers say, "Roll

19 Mr. Richardson over onto his back"?

20 A I believe we did that before performing CPR.

21 Q But by the time you started to perform CPR,

22 that's because you had realized that Mr. Richardson had

23 stopped breathing; correct?

24 A That's correct.

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1 Q So at any time before Mr. Richardson stopped

2 breathing on that catwalk, did anyone ever instruct you to

3 roll Mr. Richardson onto his back?

4 A No.

5 Q At any time before Mr. Richardson stopped

6 breathing on that catwalk, did anyone ever instruct you to

7 put Mr. Richardson in a restraint chair?

8 A No.

9 Q Before Mr. Richardson stopped breathing on the

10 catwalk, did anyone ever instruct you to sit

11 Mr. Richardson up on his butt?

12 A No.

13 Q Were you there when Medic Stockhauser was near

14 Mr. Richardson's head? Do you remember that?

15 A Yes.

16 Q Did you witness Medic Stockhauser trying to

17 give Mr. Richardson oxygen?

18 A Yes.

19 Q So the fact that a medical person was trying to

20 administer Mr. Richardson oxygen, did that raise in your

21 own mind that Mr. Richardson might have some problems

22 breathing?

23 A Possibly.

24 Q Did you ever notice any foam or mucus coming

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1 from Mr. Richardson's nose or mouth?

2 A Yes.

3 Q Did you notice any blood-tinged saliva coming

4 from his mouth?

5 A Yes.

6 Q And were there times during the restraint that

7 you heard Mr. Richardson gurgling?

8 A Perhaps, but at this time I don't -- I don't

9 recall.

10 Q Fair enough.

11 Were there times during the restraint that you

12 heard Mr. Richardson gasping?

13 A Perhaps. But again, I don't recall.

14 Q Okay. Written materials, I want to ask you a

15 couple quick questions, Officer. You told me about the

16 written policies. Did you review those in preparation for

17 today's deposition, the written restraint policies at the

18 jail?

19 A I have seen those policies, yes.

20 Q Did you review them specifically in preparation

21 for this deposition?

22 A Yes.

23 Q Prior to reviewing them specifically for this

24 deposition, when was the last time you recall having

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<p>1 reviewed the restraint policy and procedure as written for</p> <p>2 the jail?</p> <p>3 A Probably when I had to sign off for it in our</p> <p>4 training log. I don't have a specific date.</p> <p>5 Q Is that something that you sign off as having</p> <p>6 reviewed annually, or do you do it after orientation? Do</p> <p>7 you remember?</p> <p>8 A We review it -- We review that annually, I</p> <p>9 believe.</p> <p>10 Q Do you have your own copy of the policies and</p> <p>11 procedures for the jail?</p> <p>12 A It's at work. I have access to it in our</p> <p>13 General Orders Manual.</p> <p>14 Q Where is the General Orders Manual located at</p> <p>15 work?</p> <p>16 A It's located -- It's on a database. We have a</p> <p>17 physical copy, but there's -- it's in a digital database.</p> <p>18 Q Do you know if the digital database would tell</p> <p>19 somebody who knows about computers when the last time is</p> <p>20 that you accessed the policies on the computer?</p> <p>21 A I don't know if it would or not. I'm not sure.</p> <p>22 Q If you had to ask somebody that very question,</p> <p>23 who would you ask?</p> <p>24 A Probably our IT department.</p> <p style="text-align: right;">Page 54</p>	<p>1 positional asphyxia?</p> <p>2 A No.</p> <p>3 Q Have you received any written materials, other</p> <p>4 than the policy that we've talked about, that describe any</p> <p>5 issues of positional asphyxia or prone positioning?</p> <p>6 A No.</p> <p>7 Q Ever seen anything published by the United</p> <p>8 States Department of Justice, one of those three-letter</p> <p>9 agencies, on positional asphyxia?</p> <p>10 A No, sir.</p> <p>11 Q Have you been working at the jail long enough</p> <p>12 to have ever had any experience with detainees using</p> <p>13 marijuana in the jail?</p> <p>14 A Yes.</p> <p>15 Q Have you ever seen anybody smoking it in the</p> <p>16 jail?</p> <p>17 A Yes.</p> <p>18 Q Is there any one place where they typically</p> <p>19 smoke it, or is there any --</p> <p>20 A Anywhere they can try to find a spot where the</p> <p>21 COs aren't looking.</p> <p>22 Q And have you ever been asked to investigate how</p> <p>23 did marijuana get into the facility?</p> <p>24 A Yeah, there have been times when I've looked</p> <p style="text-align: right;">Page 56</p>
<p>1 Q That's a good place to start. Do you know who</p> <p>2 the person is in IT that you'd talk to?</p> <p>3 A Honestly, no, sir, I don't.</p> <p>4 Q That's all right.</p> <p>5 The physical copy of the GOs in the manual,</p> <p>6 where is that located at work; do you know?</p> <p>7 A I believe there's a copy of it in the</p> <p>8 sergeant's office.</p> <p>9 Q Other than the policies, the written policies</p> <p>10 we've been talking about for use of restraint at the jail,</p> <p>11 have you ever been provided with any other written</p> <p>12 materials that address positional asphyxia?</p> <p>13 A No.</p> <p>14 Q Have you ever received any -- Sometimes in your</p> <p>15 training, is it true, that you receive legal updates?</p> <p>16 A Yes.</p> <p>17 Q And I don't know who presents to you, but</p> <p>18 somebody is in there saying, you know, the Supreme Court</p> <p>19 determined this, the Sixth Circuit found this, we need</p> <p>20 incorporate this into our training? Do you have those</p> <p>21 type of --</p> <p>22 A Occasionally we receive those updates, yes.</p> <p>23 Q As you sit here today, can you ever recall</p> <p>24 receiving any updates that dealt with prone positioning or</p> <p style="text-align: right;">Page 55</p>	<p>1 into trying to figure out how inmates have brought it in.</p> <p>2 Q Ever figured it out?</p> <p>3 A Yes.</p> <p>4 Q Okay.</p> <p>5 A Sometimes yes, sometimes no.</p> <p>6 Q Tell me some of the ways that you've, in your</p> <p>7 experience, you understand how marijuana makes its way</p> <p>8 into the jail.</p> <p>9 MR. PREGON: Go ahead. He asked.</p> <p>10 A Well, inmates -- people who are arrested will</p> <p>11 sometimes come into the jail and they will have marijuana</p> <p>12 placed in -- typically in the anal cavity, because we</p> <p>13 don't perform strip searches when they come into the jail,</p> <p>14 it's quite easy if somebody really wants to get the job</p> <p>15 done, they can. Females will, it's not unknown -- unlike</p> <p>16 females to bring in heroin or other drugs inside their</p> <p>17 vaginal cavities. Males will typically use an anal</p> <p>18 cavity, and they'll bring it in, open it up, roll it up,</p> <p>19 and smoke it.</p> <p>20 Q Have you ever investigated or become aware of</p> <p>21 any situations where any CO was involved in getting</p> <p>22 marijuana or drugs into the jail?</p> <p>23 A We had an incident with a CO that was bringing</p> <p>24 not necessarily drugs, but he was bringing cigarettes in a</p> <p style="text-align: right;">Page 57</p>

<p>1 few years ago for inmates.</p> <p>2 Q Other than that, that's your only experience?</p> <p>3 A Since I've worked at the jail, that's my only</p> <p>4 experience with it.</p> <p>5 Q When Medic Stockhauser was there while you were</p> <p>6 involved in this encounter with Mr. Richardson, did you</p> <p>7 ever ask Medic Stockhauser anything about Mr. Richardson's</p> <p>8 medical or mental health condition?</p> <p>9 A I don't believe we were really having a candid</p> <p>10 conversation at that time about his medical history. I</p> <p>11 think at the time we could see he was having trouble</p> <p>12 receiving oxygen, so Steve was putting the oxygen tank up</p> <p>13 to his mouth, or at least attempting to.</p> <p>14 Q Do you know whether or not Mr. Richardson was</p> <p>15 supposed to be getting his blood pressure checked daily?</p> <p>16 A I don't know about that.</p> <p>17 Q Have you ever learned that at about 20 'til one</p> <p>18 on that day, so about 12:40 p.m. on that day, that</p> <p>19 Mr. Richardson had his blood pressure taken?</p> <p>20 A No. I was not on shift at that point and I</p> <p>21 didn't know anything about that.</p> <p>22 Q At any time, either before or after this</p> <p>23 lawsuit, did you ever learn that the last blood pressure</p> <p>24 reading from Mr. Richardson prior to this encounter was</p> <p style="text-align: right;">Page 58</p>	<p>1 the original call was, again, for a medical -- an unknown</p> <p>2 medical emergency. So my job as a CO is just to get up</p> <p>3 there, control the situation, and allow for medical to</p> <p>4 assess -- do wherever they need to do. So once he was</p> <p>5 under control, it was then medical -- letting medical do</p> <p>6 their thing.</p> <p>7 Q Did medical ever give you any instructions to</p> <p>8 do anything?</p> <p>9 A No.</p> <p>10 Q So this is a typical lawyer question. You've</p> <p>11 said it, but now I have to follow up on the specifics.</p> <p>12 A Okay.</p> <p>13 Q Did anyone from medical ever instruct you to</p> <p>14 roll Mr. Richardson onto his back?</p> <p>15 A No.</p> <p>16 Q Did anyone from medical ever instruct you to</p> <p>17 sit Mr. Richardson up on his butt?</p> <p>18 A No.</p> <p>19 Q Did anyone from medical ever instruct you to</p> <p>20 stand Mr. Richardson up?</p> <p>21 A No.</p> <p>22 Q Did anyone from medical ever instruct the</p> <p>23 officers or request the officers to move Mr. Richardson</p> <p>24 into the restraint chair?</p> <p style="text-align: right;">Page 60</p>
<p>1 159 over 91?</p> <p>2 A I was not aware of that.</p> <p>3 Q Some people know a lot about blood pressure</p> <p>4 readings, some people know very little about it. But let</p> <p>5 me ask you: What does a blood pressure reading of 159</p> <p>6 over 91 say to you?</p> <p>7 A That's high.</p> <p>8 Q Officer Stumpff, you've told us that within a</p> <p>9 reasonably short period of time, I think that's close to</p> <p>10 your testimony, that Mr. Richardson was restrained, on the</p> <p>11 ground, and there were five to eight corrections officers</p> <p>12 in the immediate vicinity; correct?</p> <p>13 A That is correct.</p> <p>14 Q And what was the plan?</p> <p>15 A For?</p> <p>16 Q For Mr. Richardson.</p> <p>17 A For Mr. Richardson?</p> <p>18 Q It's my understanding you're responding to a</p> <p>19 guy who needs medical attention; correct?</p> <p>20 A That's correct.</p> <p>21 Q And then you've got this guy on the ground with</p> <p>22 his hands cuffed behind his back and there's five to eight</p> <p>23 of you controlling the situation. What was the plan?</p> <p>24 A To allow medical to assess him for whatever --</p> <p style="text-align: right;">Page 59</p>	<p>1 A No.</p> <p>2 Q Was it your understanding at any point in time</p> <p>3 that Mr. Richardson was going to be put in the restraint</p> <p>4 chair?</p> <p>5 A Yes, that is true.</p> <p>6 Q Do you recall when in the time line you</p> <p>7 learned, and if you could tell us how you learned, that</p> <p>8 the plan was to get Mr. Richardson into the restraint</p> <p>9 chair?</p> <p>10 A I know Sergeant called for it to be brought up</p> <p>11 there. And somebody else went to go get the chair.</p> <p>12 Obviously, I was upstairs dealing with the situation. And</p> <p>13 I think the chair arrived, but I know we didn't put him in</p> <p>14 the chair.</p> <p>15 Q Why?</p> <p>16 A I don't know why. Sergeant decided to make</p> <p>17 that call. I'm not really sure.</p> <p>18 Q Do you know what the purpose was behind the</p> <p>19 plan, at least initially, to put Mr. Richardson into the</p> <p>20 restraint chair?</p> <p>21 A Probably so that he could be -- have medical</p> <p>22 attention given to him of some sort without being laying</p> <p>23 on the ground to do so.</p> <p>24 Q You were there. But between yourself, Johnson,</p> <p style="text-align: right;">Page 61</p>

<p>1 Lewis, Jackson, Beach, Mayes, Henning, and the others, do 2 you think you would have been able to put Mr. Richardson 3 in the restraint chair? 4 MR. PREGON: Objection. 5 Go ahead. 6 A Yes. 7 BY MR. DICELLO: 8 Q I have seen documentation that it's referred to 9 as the emergency restraint chair. Is that what it's 10 called? 11 A That's correct. 12 Q And it's available for use in emergency 13 situations? 14 A That's correct. 15 Q And I asked somebody, I forget who, but I asked 16 somebody who said their expectation would be that once a 17 sergeant says bring the restraint chair here for this 18 emergency, the restraint chair should be delivered within 19 a matter of less than five minutes. Is that your 20 understanding? 21 MR. PREGON: Objection. 22 Go ahead. 23 A I don't know of any specific amount of time for 24 it to get there. It's usually brought over as quickly as</p> <p style="text-align: right;">Page 62</p>	<p>1 (Discussion held off the record.) 2 BY MR. DICELLO: 3 Q We're back on the record after a short break, 4 Officer Stumpff. And what I'd like to do now is kind of 5 have you take me through the actual encounter with 6 Mr. Richardson. And I'm going to have you rely on, if you 7 need, Plaintiff's Exhibit 1. And I believe your 8 Plaintiff's Exhibit 1 is the incident report that has all 9 the narratives. And I believe your narrative, if you 10 look, is at MC 1286 to MC 1287. So feel free to make 11 reference to that as we go through this. 12 A Okay. 13 Q So before we get into this, did you ever fill 14 out any Use of Force Reports for this incident? 15 A No. 16 Q Was force used against Mr. Richardson? 17 MR. PREGON: Objection. 18 Go ahead. 19 A Yes. There was force used to initially 20 restrain him, yes. 21 BY MR. DICELLO: 22 Q Well, he was continually restrained until the 23 time of his death; correct? 24 A That is correct.</p> <p style="text-align: right;">Page 64</p>
<p>1 humanly possible. 2 BY MR. DICELLO: 3 Q And in your experience, how long does that 4 take? 5 A A few minutes. And in this case, it would have 6 taken considerably longer, given the fact that it had to 7 go up a set of stairs. 8 Q Some people when they say "a few," they mean 9 ten or 15. Other people mean two. So what do you mean by 10 "a few"? 11 A In my experience, any time we've used a 12 restraint chair, it's there within a matter of four to six 13 minutes, so to speak. 14 Q All right. 15 A Especially if it's going to be up on a floor or 16 pod. If it's on the first floor, it's a matter of maybe a 17 minute, because it's literally across the hall, on the 18 same floor, not dealing with elevators or stairs. But in 19 this case, four to six minutes. 20 Q Are you good? Do you want to take a break? 21 A Could I use the restroom real quick? 22 Q Sure. 23 A Thanks. 24 Q No problem.</p> <p style="text-align: right;">Page 63</p>	<p>1 Q So there was force used to initially restrain 2 him, and then force used to continually restrain him for 3 about 22 minutes; true? 4 A Correct. 5 Q Is it your understanding that the policy -- the 6 customs, let's say the customs of practice at the jail, is 7 that corrections officers would not fill out Use of Force 8 Reports in this incident? 9 A During this incident, I don't believe I was 10 told to fill out a Use of Force Report or I took the 11 initiative to fill out a Use of Force Report given the 12 circumstances of this incident, due to it being a medical 13 incident in nature, not so much a combative situation 14 where -- You know. The force that was used to control 15 Richardson was just a simple controlling of him and 16 putting the handcuffs on there, keeping him from harming 17 himself and others. So to say that it was necessary to do 18 a Use of Force Report, you know, there wasn't -- there 19 wasn't really any takedown, there weren't any strikes, you 20 know, things that would typically initiate such a report. 21 Q Have you looked at the written policies for the 22 jail as to when Use of Force Reports are supposed to be 23 completed? 24 A Yes.</p> <p style="text-align: right;">Page 65</p>

<p>1 Q And do you understand that the written policy,</p> <p>2 not talking about what's actually done, but the written</p> <p>3 policy instructs corrections officers to fill out a Use of</p> <p>4 Force Report no matter how minimal the force is?</p> <p>5 A Yes.</p> <p>6 MR. PREGON: Objection.</p> <p>7 THE WITNESS: Oh, sorry.</p> <p>8 MR. PREGON: No, go ahead.</p> <p>9 A Yes, I'm aware.</p> <p>10 BY MR. DICELLO:</p> <p>11 Q So what's your understanding of why the force</p> <p>12 used again Mr. Richardson doesn't fall in that policy, or</p> <p>13 does it?</p> <p>14 A By that definition, it would.</p> <p>15 Q So when you arrive -- We've gone through this,</p> <p>16 it's a little bit repetitive. I try not to be, Officer,</p> <p>17 but it's unavoidable a little bit.</p> <p>18 So when you arrive, upon entering the pod you</p> <p>19 observed Sergeant Jackson and Officer Johnson attempting</p> <p>20 to remove Inmate Richardson from his cell; is that</p> <p>21 correct?</p> <p>22 A That's correct.</p> <p>23 Q Can you tell me what you remember seeing, if</p> <p>24 anything, in terms of how are they positioned, how is</p> <p style="text-align: right;">Page 66</p>	<p>1 Q It says, "I assisted with removing Inmate</p> <p>2 Richardson from the cell." Can you just tell us what you</p> <p>3 did?</p> <p>4 A We were -- Because the cells are of such tight</p> <p>5 proximity, there's not a lot of room in there to work, to</p> <p>6 do everything you need to do, so it's easier to, once you</p> <p>7 get the individual outside of the cell, to perform</p> <p>8 whatever you need to do, you know, whether it's to put</p> <p>9 cuffs on him or whether it's trying to put them in the</p> <p>10 restraint chair, whether it's trying to stand them up,</p> <p>11 whether it's trying to get medical attention for them,</p> <p>12 whatever reason, whatever you're trying to do with that</p> <p>13 individual, it's easier to do that outside of the cell.</p> <p>14 So I assisted in removing him from that cell.</p> <p>15 Q I'm interested in knowing how, if you remember,</p> <p>16 you did that. Where did you put your arms? Did you grab</p> <p>17 him? Did you touch him?</p> <p>18 A I don't remember exactly how I helped to remove</p> <p>19 him. We probably worked as a team to physically remove</p> <p>20 him from the cell.</p> <p>21 Q You don't remember where you grabbed him?</p> <p>22 A I don't remember, no.</p> <p>23 Q And you do document that there was a struggle;</p> <p>24 correct?</p> <p style="text-align: right;">Page 68</p>
<p>1 Mr. Richardson positioned?</p> <p>2 A There was a struggle on the floor of them</p> <p>3 trying to get Richardson's hands behind his back in order</p> <p>4 to get handcuffs on him, because he was thrashing around</p> <p>5 on the floor. Specifically who was standing where or who</p> <p>6 is on which side of Richardson's body, I don't have a</p> <p>7 particular -- I don't particularly remember that.</p> <p>8 Q When you said there was a struggle on the</p> <p>9 floor, Mr. Richardson was on the floor; correct?</p> <p>10 A At the time, yes.</p> <p>11 Q Sergeant Lewis and Officer Johnson were not --</p> <p>12 or Sergeant Jackson and Officer Johnson were not on the</p> <p>13 floor with him, though; correct?</p> <p>14 A I don't remember if they were standing or if</p> <p>15 they were kneeling or what position they were in. They</p> <p>16 were attempting to gain control of Richardson.</p> <p>17 Q You then say Inmate Richardson was lying on the</p> <p>18 ground. You say he was "laying on the ground." Was he</p> <p>19 laying on his belly?</p> <p>20 A I don't know if he was laying on his belly</p> <p>21 initially, or if he was on his side, or on his back. He</p> <p>22 was thrashing in every direction. So he wasn't in any one</p> <p>23 particular position for any length of time. He was</p> <p>24 constantly rolling around, you know.</p> <p style="text-align: right;">Page 67</p>	<p>1 A Yes.</p> <p>2 Q And then it says, "After several moments,</p> <p>3 Sergeant Jackson, Sergeant Lewis, Officer Johnson, Officer</p> <p>4 Beach and myself were able to secure Inmate Richardson in</p> <p>5 handcuffs." Is that how it happened?</p> <p>6 A That's correct.</p> <p>7 Q It's at that point in time that you notice that</p> <p>8 Mr. Richardson had "blood, spit and mucus coming from his</p> <p>9 mouth and facial area"; correct?</p> <p>10 A That's correct.</p> <p>11 Q Now, by looking at this, are you -- you are</p> <p>12 Officer 1132?</p> <p>13 A Correct.</p> <p>14 Q And you completed this at about 6:42 p.m. on</p> <p>15 May 19th, 2012; correct?</p> <p>16 A Correct.</p> <p>17 Q I presume, but let me ask, did you type this</p> <p>18 into a computer somewhere?</p> <p>19 A Yes.</p> <p>20 Q Do you remember what computer you typed this</p> <p>21 into?</p> <p>22 A I believe it was the computer at my work</p> <p>23 station on the fourth floor.</p> <p>24 Q Did you sit down and type this out beginning to</p> <p style="text-align: right;">Page 69</p>

<p>1 end and then submit it, or did you work on it for a couple</p> <p>2 minutes, go do something, work on it for a few more</p> <p>3 minutes?</p> <p>4 A I believe I completed this as soon as possible</p> <p>5 -- as soon as I could shortly after exiting the, you know,</p> <p>6 facility. I went over to the fourth floor, got logged on</p> <p>7 to the computer, sat down, and worked on completing this</p> <p>8 report.</p> <p>9 Q How long did this report take you to complete?</p> <p>10 A I don't remember how long it took. Not very</p> <p>11 long.</p> <p>12 Q What do you mean by "not very long"?</p> <p>13 A I completed it within the time period of my</p> <p>14 shift, so -- and I know I was able to complete all the</p> <p>15 other duties on my shift. I'd say I probably completed</p> <p>16 this within an hour.</p> <p>17 Q And I understand you said within an hour. Are</p> <p>18 you telling us that you took upwards of an hour to type</p> <p>19 this up?</p> <p>20 A I don't remember exactly how long it took me to</p> <p>21 type the report. What I can definitely tell you is that</p> <p>22 I completed it prior to the end of my shift.</p> <p>23 Q Got it.</p> <p>24 After this incident occurred, did you discuss</p> <p style="text-align: right;">Page 70</p>	<p>1 corrected any grammatical changes necessary, submitted it,</p> <p>2 and --</p> <p>3 Q Two follow-up questions.</p> <p>4 A Uh-huh.</p> <p>5 Q In your computer, do you have access to other</p> <p>6 people's reports? So for example, Bradley Marshall</p> <p>7 submitted his report at 17:41:11 on May 19th, 2012;</p> <p>8 correct?</p> <p>9 A Where do you see that?</p> <p>10 Q On page MC 1287. So that was about an hour --</p> <p>11 is that right, Marshall submitted his at 17:41?</p> <p>12 A Yes. Oh, yes. I'm sorry.</p> <p>13 Q That's okay.</p> <p>14 A Yes, that's correct.</p> <p>15 Q That was about an hour before you submitted</p> <p>16 yours; correct?</p> <p>17 A Yes.</p> <p>18 Q So my question is: At the time you were in the</p> <p>19 computer typing up your narrative, would you have had</p> <p>20 access, if you wanted to, to Bradley Marshall's report?</p> <p>21 A Yes.</p> <p>22 Q As you sit here, do you recall reviewing any</p> <p>23 other narrative reports before submitting yours?</p> <p>24 A No.</p> <p style="text-align: right;">Page 72</p>
<p>1 what happened with anyone before you wrote your report?</p> <p>2 A I believe there was discussion of the event</p> <p>3 afterwards.</p> <p>4 Q Between the corrections officers?</p> <p>5 A Yes.</p> <p>6 Q Did you guys talk about what you were going to</p> <p>7 put in your reports?</p> <p>8 A I don't remember having any specific</p> <p>9 conversation with anyone about that, no.</p> <p>10 Q Based on the -- Did your conversations with the</p> <p>11 other corrections officers before you completed your</p> <p>12 report provide you some information to include in your</p> <p>13 report?</p> <p>14 A Not that I -- Not to any extent that I can</p> <p>15 remember.</p> <p>16 Q At the time that you enter into the computer to</p> <p>17 put this report in, do you have access to the other</p> <p>18 reports that were completed by others and were submitted</p> <p>19 before yours?</p> <p>20 A Each person's report was put in whenever they</p> <p>21 finished it. I don't remember the sequence in which all</p> <p>22 of the supplemental reports were submitted. Some were</p> <p>23 reported later than others, some earlier than others.</p> <p>24 When I typed my report, I submitted it, I proofread it,</p> <p style="text-align: right;">Page 71</p>	<p>1 Q When you -- What does it look like on the</p> <p>2 computer, Officer, when you type this in? Is officer</p> <p>3 Marshall's statement right there or is it a blank piece of</p> <p>4 screen?</p> <p>5 A It's a screen that I type my narrative in and I</p> <p>6 click submit. And there's another tab with other</p> <p>7 supplemental reports.</p> <p>8 Q So there's a --</p> <p>9 A But I don't have his report up next to mine as</p> <p>10 I'm typing if that's what you're -- Is that what you were</p> <p>11 trying to ask?</p> <p>12 Q Yeah. But you could bring it up?</p> <p>13 A Yes. I had access to it, yes.</p> <p>14 Q At the time you wrote your narrative, do you</p> <p>15 recall reviewing any other written materials before</p> <p>16 completing it?</p> <p>17 A No.</p> <p>18 Q Did you watch the video before completing it?</p> <p>19 A No.</p> <p>20 Q After submitting this narrative, did anyone</p> <p>21 interview you about what happened?</p> <p>22 A I'm sorry, say that one more time.</p> <p>23 Q After submitting this narrative, this report</p> <p>24 that we're looking at in Exhibit 1 that you did on May</p> <p style="text-align: right;">Page 73</p>

<p>1 19th, 2012 at about 6:42 p.m., did anybody come interview</p> <p>2 you about what happened?</p> <p>3 A No. No, there was no interview.</p> <p>4 Q Are you aware of anybody that investigated what</p> <p>5 happened to Mr. Richardson?</p> <p>6 A Yes.</p> <p>7 Q Who was investigating this as far as you</p> <p>8 understood?</p> <p>9 A As far as I understood? Internal Affairs, I</p> <p>10 think, detectives came over and interviewed inmates in his</p> <p>11 pod, I think Shutts came over and took pictures of the</p> <p>12 scene, I think Clymer and Sollenberger did the</p> <p>13 investigation. I was not part of it at that point.</p> <p>14 Q None of those people you just mentioned ever</p> <p>15 interviewed you, though?</p> <p>16 A No.</p> <p>17 Q Yes, that's correct?</p> <p>18 A That is correct. That is correct.</p> <p>19 Q Did anyone ever report to you what the</p> <p>20 conclusions of the investigation were?</p> <p>21 A No.</p> <p>22 Q As a result of this incident, did you ever</p> <p>23 receive any additional training or retraining on</p> <p>24 restraining people in the jail?</p> <p style="text-align: right;">Page 74</p>	<p>1 Q You say "medical was on scene." Are you</p> <p>2 referring to Medic Stockhauser?</p> <p>3 A Yes.</p> <p>4 Q What's your understanding of what the role or</p> <p>5 position is of a medic at the jail as opposed to a nurse</p> <p>6 or a doctor? What does a medic do?</p> <p>7 MR. HOJNOSKI: Objection.</p> <p>8 You can go.</p> <p>9 A Medics perform -- They're there -- They do like</p> <p>10 the immediate stuff on inmates when they first come in</p> <p>11 through the door. And what I mean by "the door," I mean</p> <p>12 receiving on the first floor, intake area.</p> <p>13 BY MR. DICELLO:</p> <p>14 Q Yeah.</p> <p>15 A They do the initial screening assessments of</p> <p>16 inmates, their histories, whatever, and any -- assess any</p> <p>17 medical issues they might have just requiring basic, what</p> <p>18 I would consider basic medical needs upon entry.</p> <p>19 Q You say "medical was on scene." I'm trying to</p> <p>20 understand from a temporal timing wise.</p> <p>21 A Yeah.</p> <p>22 Q Was Stockhauser there when you arrived or did</p> <p>23 he arrive after you, if you know?</p> <p>24 A I'm pretty sure Steve arrived after I did.</p> <p style="text-align: right;">Page 76</p>
<p>1 A No.</p> <p>2 Q As far as you understood how this incident</p> <p>3 occurred, everything the corrections officers did or</p> <p>4 didn't do complied with the customs and practices that</p> <p>5 you're familiar with how you guys go about doing your jobs</p> <p>6 at the jail; correct?</p> <p>7 A Yes, sir.</p> <p>8 Q Now having recently reviewed the written</p> <p>9 policies and procedures, would you agree that the incident</p> <p>10 did not comply with the written policies and procedures</p> <p>11 regarding restraint?</p> <p>12 MR. PREGON: Objection.</p> <p>13 A Based on those policies, I would agree with</p> <p>14 you.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q This is what happens, I deviate from the</p> <p>17 statement. But getting back to your written narrative, I</p> <p>18 think we had gotten to the point where you, Jackson,</p> <p>19 Lewis, Johnson, and Beach had secured Mr. Richardson in</p> <p>20 handcuffs while he was on the ground; correct?</p> <p>21 A Correct.</p> <p>22 Q So that's five officers that were able to do</p> <p>23 that; correct?</p> <p>24 A Correct.</p> <p style="text-align: right;">Page 75</p>	<p>1 Medical came up there after we had -- we all went up there</p> <p>2 about the same time and medical let us get control over</p> <p>3 him and then they did their thing.</p> <p>4 Q Did you assist securing Mr. Richardson in two</p> <p>5 sets of handcuffs?</p> <p>6 A Yes.</p> <p>7 Q I know somebody told me this and I can't</p> <p>8 recall.</p> <p>9 A I believe so.</p> <p>10 Q Was Mr. Richardson originally put in one set</p> <p>11 and then an additional set was added, or was the first</p> <p>12 time cuffs put on him it was two sets?</p> <p>13 A I believe we put two sets on him the first</p> <p>14 time. Because when we tried to do one set, we realized he</p> <p>15 was too large to put -- and we didn't want to injure him.</p> <p>16 So we used two sets of handcuffs. And then we switched to</p> <p>17 the shackles later because that was even less constrictive</p> <p>18 to him.</p> <p>19 Q Okay.</p> <p>20 A Because of his physical size.</p> <p>21 Q Do you have in your own mind, do you recall,</p> <p>22 and going through the video we may be able to decipher it</p> <p>23 or not, but how long was it that Mr. Richardson was in the</p> <p>24 two sets of cuffs before you transferred to the leg</p> <p style="text-align: right;">Page 77</p>

<p>1 shackles?</p> <p>2 A It was matter of minutes. It was not a very</p> <p>3 long period of time. I don't personally remember exactly</p> <p>4 how long it was. But it was -- when we started</p> <p>5 realizing -- given his large physical nature, we realized</p> <p>6 it would probably be easier to assess him, and for his</p> <p>7 safety and health, whatever, hey, let's put a pair of leg</p> <p>8 shackles on him, because it's just going to be easier to</p> <p>9 do and still secure for everybody and it's not two sets of</p> <p>10 handcuffs. So --</p> <p>11 Q Did Mr. Richardson ever try to punch anyone</p> <p>12 with his hands?</p> <p>13 A Not to my knowledge. Not intentionally,</p> <p>14 anyway. But his arms were flailing around, his body was</p> <p>15 thrashing around, you know.</p> <p>16 Q Can you show me, and maybe we can describe it</p> <p>17 on the record, but once the two sets of cuffs are on</p> <p>18 Mr. Richardson, can you tell me about how far apart his</p> <p>19 hands were behind his back?</p> <p>20 A Probably about -- Probably about this far, I</p> <p>21 suppose (indicating).</p> <p>22 Q And that's with --</p> <p>23 A I can pull two sets of handcuffs out right now</p> <p>24 and show you if you want.</p> <p style="text-align: right;">Page 78</p>	<p>1 the leg shackles on?</p> <p>2 A I don't have, obviously, a pair of shackles</p> <p>3 with me, but the leg shackles give you probably another,</p> <p>4 oh, I don't know, six inches of play in there.</p> <p>5 Q Okay.</p> <p>6 A You know, I remember it was at the point where</p> <p>7 I can almost see his hands out to his sides almost --</p> <p>8 Q Okay.</p> <p>9 A -- when he was laying down. I mean, leg</p> <p>10 shackles permit you to walk -- you understand the purpose</p> <p>11 of leg shackles, you can reasonably walk. So we're</p> <p>12 looking at, you know, a considerably more length of</p> <p>13 movement in his arms or feet depending on whatever you had</p> <p>14 them hooked on to, compared to two sets of handcuffs.</p> <p>15 Q So if you all wanted to, could you have rolled</p> <p>16 Mr. Richardson onto his back?</p> <p>17 MR. PREGON: Objection.</p> <p>18 Go ahead.</p> <p>19 A We did roll him onto his back.</p> <p>20 BY MR. DICELLO:</p> <p>21 Q Prior to him stopping breathing, thank you for</p> <p>22 that clarification, if the corrections officers wanted to,</p> <p>23 would you have been able to roll Mr. Richardson onto his</p> <p>24 back?</p> <p style="text-align: right;">Page 80</p>
<p>1 Q Yeah, that would be great.</p> <p>2 A If you were to (indicating) --</p> <p>3 Q Do you mind if I take a photo of this?</p> <p>4 A I don't mind.</p> <p>5 MR. PREGON: As long as you send a copy to me.</p> <p>6 (Discussion held off the record. Photo taken.)</p> <p>7 BY MR. DICELLO:</p> <p>8 Q Officer, I appreciate that. What I want to do</p> <p>9 now, on my cell phone, and I'll share this with counsel,</p> <p>10 but I'll have you identify it. I just took a photograph</p> <p>11 of you. Can you please identify that this is a photograph</p> <p>12 I just took of you demonstrating the width of the two sets</p> <p>13 of handcuffs?</p> <p>14 A It is.</p> <p>15 Q And that would have been the width of the two</p> <p>16 sets of handcuffs while they were on Mr. Richardson?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 MR. PREGON: Are you going to make that an</p> <p>20 exhibit at some point?</p> <p>21 That will be Exhibit 3.</p> <p>22 BY MR. DICELLO:</p> <p>23 Q Now, with that as a frame of reference, can you</p> <p>24 describe for us how much more room you get when you put</p> <p style="text-align: right;">Page 79</p>	<p>1 MR. PREGON: Objection.</p> <p>2 Go ahead.</p> <p>3 A Had he been compliant and not thrashing around,</p> <p>4 yes.</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Is it your recollection that up to the point</p> <p>7 where Mr. Richardson stopped breathing that he was</p> <p>8 continuously thrashing around?</p> <p>9 A Yes.</p> <p>10 Q And you think that's what the video shows?</p> <p>11 A I believe the video shows -- I should clarify a</p> <p>12 little bit. When I say "thrashing around," I would say</p> <p>13 that he's unable to, up until the injection, unable to lay</p> <p>14 still to, remain calm.</p> <p>15 Q So the officers, and I'm going to talk about</p> <p>16 who was positioned where, but the officers were preventing</p> <p>17 Mr. Richardson's body from thrashing around? Is that how</p> <p>18 it happened?</p> <p>19 A That is correct. To the best of our abilities,</p> <p>20 anyway.</p> <p>21 Q Back to your narrative. You mention Medic</p> <p>22 Stockhauser trying to apply oxygen. We talked a little</p> <p>23 bit about that. You do indicate that Mr. Richardson</p> <p>24 "continued to thrash his body on the ground and would not</p> <p style="text-align: right;">Page 81</p>

<p>1 remain still. Despite all verbal commands from officers</p> <p>2 to calm him down, he continued his erratic behavior and</p> <p>3 thrashed around on the ground." We talked about the leg</p> <p>4 shackles. And then you talk about "Nurse Miles attempted</p> <p>5 to administer an injection." Do you recall when in the</p> <p>6 episode that was; near the beginning, near the middle,</p> <p>7 near the end?</p> <p>8 A It was in the middle after we had him secured</p> <p>9 and we realized he wouldn't calm down, couldn't keep the</p> <p>10 mask of oxygen on his face. Somewhere in the middle range</p> <p>11 of the events.</p> <p>12 Q Did you ever see -- Do you know who Dr. Ellis</p> <p>13 is?</p> <p>14 A Yes.</p> <p>15 Q Did you ever see Dr. Ellis there at any time</p> <p>16 before Mr. Richardson stopped breathing?</p> <p>17 A I don't believe so.</p> <p>18 Q So before we get to the middle, where an</p> <p>19 injection was attempted, I want to understand which</p> <p>20 officer was positioned where such that Mr. Richardson was</p> <p>21 being restrained on the ground. Do you recall? We can</p> <p>22 start with you.</p> <p>23 A I was up near -- up near his shoulder, near his</p> <p>24 head and shoulder.</p> <p style="text-align: right;">Page 82</p>	<p>1 the place, so that Steve could try and get the mask on,</p> <p>2 get the blood and mucus and stuff off his face.</p> <p>3 Q Officer Stumpff, during this incident, and I</p> <p>4 know it was -- would you consider it an extended period of</p> <p>5 time?</p> <p>6 A That I was holding onto him?</p> <p>7 Q Yeah.</p> <p>8 MR. PREGON: Objection.</p> <p>9 Go ahead.</p> <p>10 A I was holding onto him as long as I needed to</p> <p>11 to keep him from rolling around so that medical could</p> <p>12 assess him. "Extended" is a -- I mean --</p> <p>13 BY MR. DICELLO:</p> <p>14 Q Relative term?</p> <p>15 A It's relative.</p> <p>16 Q So let's put it in some context. I presume</p> <p>17 you've had occasion to go hands-on, escort, handcuff, or</p> <p>18 otherwise restrain a lot of people at the jail; correct?</p> <p>19 A Correct.</p> <p>20 Q And in connection with other incidents at the</p> <p>21 jail where you've had to handcuff or restrain or control</p> <p>22 somebody's movements, was the period of time during which</p> <p>23 you had to restrain Mr. Richardson longer than normal?</p> <p>24 MR. PREGON: Objection.</p> <p style="text-align: right;">Page 84</p>
<p>1 Q Left shoulder or right shoulder?</p> <p>2 A I would have been -- If he was facing up, I</p> <p>3 would have been at his right shoulder, and when facing</p> <p>4 down, I would have been on his left shoulder.</p> <p>5 Q Facing down would have been his left shoulder?</p> <p>6 A I was closer to the cell doors. I was between</p> <p>7 his body -- the rail, body, me, cell doors.</p> <p>8 Q Okay.</p> <p>9 A So depending on the position of his body, if he</p> <p>10 was facing up, I would have been at his right -- at</p> <p>11 Richardson's right shoulder. If he was facing down, I</p> <p>12 would have been at his left shoulder.</p> <p>13 Q So the times where we can see on the video</p> <p>14 where Mr. Richardson is rolled up onto his right side, his</p> <p>15 chest would have been facing you?</p> <p>16 A Correct.</p> <p>17 Q Okay. That helps. And were you on your knees</p> <p>18 on the ground?</p> <p>19 A Yes.</p> <p>20 Q And tell me how you had your hands on</p> <p>21 Mr. Richardson throughout the incident.</p> <p>22 A I think I was trying to hold onto his shoulder</p> <p>23 to keep him from thrashing, or holding onto his shirt</p> <p>24 trying to keep him from trying to, you know, roll all over</p> <p style="text-align: right;">Page 83</p>	<p>1 Go ahead.</p> <p>2 A Yes.</p> <p>3 BY MR. DICELLO:</p> <p>4 Q How much longer than average or normal?</p> <p>5 A Unknown.</p> <p>6 Q Have you ever restrained somebody at the jail</p> <p>7 in the same position or similar position as Mr. Richardson</p> <p>8 for as long as 20 to 22 minutes?</p> <p>9 MR. PREGON: Objection.</p> <p>10 Go ahead.</p> <p>11 A No.</p> <p>12 BY MR. DICELLO:</p> <p>13 Q Since this incident with Mr. Richardson, have</p> <p>14 you ever restrained somebody in a similar position for</p> <p>15 that length of time?</p> <p>16 MR. PREGON: Objection.</p> <p>17 Go ahead.</p> <p>18 A Not to my knowledge, no.</p> <p>19 BY MR. DICELLO:</p> <p>20 Q The only time you restrained somebody in this</p> <p>21 position for this length of period the person died;</p> <p>22 correct?</p> <p>23 MR. PREGON: Objection.</p> <p>24 Go ahead.</p> <p style="text-align: right;">Page 85</p>

<p>1 A In this incident, yes.</p> <p>2 BY MR. DICELLO:</p> <p>3 Q So did you have both your hands on</p> <p>4 Mr. Richardson's left shoulder?</p> <p>5 A I believe so.</p> <p>6 Q And at the times where you were trying to</p> <p>7 prevent him from rolling over, you were pushing, putting</p> <p>8 pressure on his left shoulder; correct?</p> <p>9 A It is possible that that occurred, yes.</p> <p>10 Q Let me see if I can talk about the relative</p> <p>11 position of the officers here. You were at or near the</p> <p>12 left shoulder area on your knees; correct?</p> <p>13 A Yes.</p> <p>14 Q For a period of time, Medic Stockhauser was to</p> <p>15 your left on his knees and he had his hands on</p> <p>16 Mr. Richardson's head; correct?</p> <p>17 A Yes.</p> <p>18 Q Now, do you remember seeing what</p> <p>19 Mr. Stockhauser was doing?</p> <p>20 A Steve was trying to put the mask -- or trying</p> <p>21 to clear the mucus and blood and spit and all that,</p> <p>22 whatever it was, away from his face so that we could get</p> <p>23 the oxygen mask on there, on him.</p> <p>24 Q Was Medic Stockhauser, based on your</p> <p style="text-align: right;">Page 86</p>	<p>1 points during this encounter where you are holding</p> <p>2 Mr. Richardson's shoulder on the ground and Mr. Richardson</p> <p>3 was on his belly; correct?</p> <p>4 A Yes.</p> <p>5 Q And there were points during this encounter</p> <p>6 where Mr. Richardson's head was on the ground and his face</p> <p>7 was facing toward you, meaning towards his left shoulder;</p> <p>8 correct?</p> <p>9 A Correct, yes.</p> <p>10 Q All right. So it was -- Let's go around the</p> <p>11 head, if we can, to your left.</p> <p>12 A Okay.</p> <p>13 Q It was you on your knees?</p> <p>14 A Okay.</p> <p>15 Q Medic Stockhauser on his knees at the head?</p> <p>16 A Okay.</p> <p>17 Q And then to Medic Stockhauser's left, who did</p> <p>18 we have near Mr. Richardson's right shoulder; do you</p> <p>19 remember?</p> <p>20 A It was probably either Beach or Marshall. I'd</p> <p>21 have to review the video, to be honest with you.</p> <p>22 Q We'll do that in a quick second.</p> <p>23 A I don't remember.</p> <p>24 Q But no matter who it was, did you appreciate</p> <p style="text-align: right;">Page 88</p>
<p>1 observations, at certain times during the incident holding</p> <p>2 Mr. Richardson's head on the ground?</p> <p>3 A I think Steve was trying to hold his head still</p> <p>4 so that he could get the mask on.</p> <p>5 Q And I think I saw at some point, do you</p> <p>6 remember a t-shirt or a towel or something being placed</p> <p>7 underneath Mr. Richardson's face?</p> <p>8 A Yeah, there was a towel or something, because,</p> <p>9 again, we -- to try and prevent injury to the inmate's</p> <p>10 head, we put a towel or something there to pad the ground,</p> <p>11 because it's concrete and we didn't want him to crack his</p> <p>12 skull on the floor.</p> <p>13 Q So at some point during this encounter, did you</p> <p>14 appreciate that Medic Stockhauser was holding</p> <p>15 Mr. Richardson's head on the ground on that towel?</p> <p>16 MR. HOJNOSKI: Objection.</p> <p>17 A I think it was a humane thing to do to prevent</p> <p>18 possible injury.</p> <p>19 BY MR. DICELLO:</p> <p>20 Q When you say "humane thing to do," you're</p> <p>21 talking about holding his head down; correct?</p> <p>22 A Holding his head against the towel to prevent</p> <p>23 the injury, yes. Yes.</p> <p>24 Q When Mr. Richardson -- We agree there are</p> <p style="text-align: right;">Page 87</p>	<p>1 that the person on the shoulder opposite from you was</p> <p>2 basically doing the same thing you were doing with the</p> <p>3 hands on the shoulder, holding the shoulder on the ground?</p> <p>4 A Yeah.</p> <p>5 Q Okay.</p> <p>6 A Yes.</p> <p>7 Q Now, let's keep going around the body. So the</p> <p>8 officer who was across from you who was on the right</p> <p>9 shoulder, to that officer's left was there somebody -- Let</p> <p>10 me just ask you. At some point in time, there was a</p> <p>11 corrections officer straddling Mr. Richardson's lower</p> <p>12 body; correct?</p> <p>13 A You know, I'd have to review the video to see</p> <p>14 that. I don't remember anybody being on top of him like</p> <p>15 that. Well, somebody was holding his legs. But as far as</p> <p>16 straddling, I don't remember if they were straddling, if</p> <p>17 they were holding his legs, what was going on at that end.</p> <p>18 I was really focused on what was going on with Steve and</p> <p>19 trying to get oxygen to this guy. So if somebody was</p> <p>20 there and the video shows that happening, I don't remember</p> <p>21 that happening, I mean.</p> <p>22 Q The video will have to speak for itself. It's</p> <p>23 not exactly clear, and that's why I have you here and</p> <p>24 asking you questions about what you remember.</p> <p style="text-align: right;">Page 89</p>

<p>1 A I don't remember somebody being over top of him</p> <p>2 like that. I don't remember somebody sitting on him or</p> <p>3 straddling him.</p> <p>4 Q From the training you've received on prone</p> <p>5 restraint and the risk of positional asphyxiation, would</p> <p>6 sitting on top of or straddling somebody on their hips or</p> <p>7 butt be appropriate?</p> <p>8 A No.</p> <p>9 Q Nurse Miles tries to administer the first</p> <p>10 injection. You say, "however, it was unsuccessful." Tell</p> <p>11 me about that.</p> <p>12 A When Nurse Krisandra, she tried to give him a</p> <p>13 shot, something happened. The syringe, I don't know, for</p> <p>14 whatever reason, malfunctioned, and the medicine failed to</p> <p>15 be administered -- failed to be injected into</p> <p>16 Mr. Richardson.</p> <p>17 Q Okay.</p> <p>18 A The thing kind of actually exploded for some</p> <p>19 reason, and was not injected. I don't know.</p> <p>20 Q Do you remember where they were trying to</p> <p>21 administer the injection? Was it in the buttocks?</p> <p>22 A I believe it was in the buttocks, yes.</p> <p>23 Q So that would have been to your right?</p> <p>24 A Correct.</p> <p style="text-align: right;">Page 90</p>	<p>1 Q Nurse Foster?</p> <p>2 A Correct.</p> <p>3 Q Now, is Nurse Foster a former corrections</p> <p>4 officer?</p> <p>5 A Yes.</p> <p>6 Q Did you ever work with her while she was a</p> <p>7 corrections officer?</p> <p>8 A No, sir.</p> <p>9 Q So was the shot administered to the same place?</p> <p>10 A I don't know if it was the same cheek or not.</p> <p>11 Q Okay.</p> <p>12 A I'm sorry.</p> <p>13 Q That's all right.</p> <p>14 A I -- It was the same part of the body. But it</p> <p>15 was not -- I don't think it was in the exact -- exact same</p> <p>16 spot. From what I can remember.</p> <p>17 Q And the injection was successful as far as you</p> <p>18 could see?</p> <p>19 A Yes. Yes.</p> <p>20 Q And then I think your narrative would state</p> <p>21 that after the second injection that Mr. Richardson at</p> <p>22 some point began to calm down. My question is: How long</p> <p>23 after the second injection was administered before</p> <p>24 Mr. Richardson appeared to calm down?</p> <p style="text-align: right;">Page 92</p>
<p>1 Q And you know, you would have been, from your</p> <p>2 eyes to Mr. Richardson's behind, where they were trying to</p> <p>3 administer this, is a couple of feet; right?</p> <p>4 A Yes.</p> <p>5 Q Did the syringe ever make it into the skin?</p> <p>6 A Yes.</p> <p>7 Q Was Mr. Richardson thrashing around that caused</p> <p>8 the syringe to fail, or not?</p> <p>9 A I don't believe so.</p> <p>10 Q Okay. So there was something with the syringe</p> <p>11 or the administration that caused it to fail, not</p> <p>12 necessarily Mr. Richardson's movements; is that your</p> <p>13 recollection?</p> <p>14 A Yes, that's correct.</p> <p>15 Q So it's my understanding a second injection was</p> <p>16 ordered?</p> <p>17 A Correct.</p> <p>18 Q Do you recall how long it took from the time</p> <p>19 the first injection failed to the point where a nurse came</p> <p>20 back with a second injection?</p> <p>21 A Maybe five minutes.</p> <p>22 Q And it was a different nurse this time that</p> <p>23 came back with the second injection?</p> <p>24 A That's correct.</p> <p style="text-align: right;">Page 91</p>	<p>1 A Oh, gosh. You know, I want to go with -- we'll</p> <p>2 go with about ten minutes, if I had to guess.</p> <p>3 Q Okay.</p> <p>4 A I obviously did not have a stopwatch timer on</p> <p>5 me, you know, from the time the injection went in to the</p> <p>6 time he was able to actually just lay calmly.</p> <p>7 Q Let me follow up on this. Let me ask you:</p> <p>8 From that point in time where you appreciated that he was</p> <p>9 laying calmly to the point in time where somebody</p> <p>10 recognized he wasn't breathing, how long is that interval?</p> <p>11 A I would say it's probably in that same ten,</p> <p>12 12-minute time period, right there where he's laying down</p> <p>13 -- he's laying down, the injection is given, he's laying</p> <p>14 there, he stops bouncing up and down on the ground and</p> <p>15 rolling around, and I could feel less resistance in his</p> <p>16 body. His muscles weren't as tense as they were before.</p> <p>17 He calms down. And we wait a few minutes. By "a few" I</p> <p>18 mean maybe another five or six minutes. And at this</p> <p>19 point, he is -- I look down, I'm like, you know, he's now</p> <p>20 not moving at all. And I just -- something just -- I</p> <p>21 looked down and was like -- his chest wasn't moving, his</p> <p>22 chest wasn't moving up and down. And I said, "Sarg, hey,</p> <p>23 I don't think this guy is breathing." And I went and</p> <p>24 checked his pulse, and he didn't have a pulse. So then we</p> <p style="text-align: right;">Page 93</p>

<p>1 flipped him over and started doing CPR on him.</p> <p>2 Q Did anyone at the time between you feeling less</p> <p>3 resistance and you noticing he's not breathing, which I</p> <p>4 think you described was about, I'm not going to hold you</p> <p>5 to the exact number, but somewhere in the ten-minute</p> <p>6 range, did anyone instruct you during that time to either</p> <p>7 roll Mr. Richardson over, stand him up to his feet, or sit</p> <p>8 him up?</p> <p>9 A No.</p> <p>10 Q Did you in your own mind say, okay, it's time</p> <p>11 to get this guy off of his belly?</p> <p>12 MR. PREGON: Objection.</p> <p>13 Go ahead.</p> <p>14 A No.</p> <p>15 BY MR. DICELLO:</p> <p>16 Q Why not?</p> <p>17 A You know, I don't really know why.</p> <p>18 Q Let me ask you this: You should have; true?</p> <p>19 MR. PREGON: Objection.</p> <p>20 A If you believe so.</p> <p>21 BY MR. DICELLO:</p> <p>22 Q I'm asking you.</p> <p>23 A At the time, I didn't feel it was necessary.</p> <p>24 We were waiting for the shot to take its full course and,</p> <p style="text-align: right;">Page 94</p>	<p>1 on what you've told us about your training as to the</p> <p>2 dangers of prone restraint and positional asphyxiation,</p> <p>3 Officer Stumpff, it was incumbent upon you and the other</p> <p>4 corrections officers at that point in time to reposition</p> <p>5 Mr. Richardson; true?</p> <p>6 MR. PREGON: Objection.</p> <p>7 Go ahead.</p> <p>8 A Based on those understandings, yes.</p> <p>9 BY MR. DICELLO:</p> <p>10 Q Did you actually roll Mr. Richardson over?</p> <p>11 A I believe it was a group effort.</p> <p>12 Q Did you hear Mr. Richardson grunting at all,</p> <p>13 anything like that?</p> <p>14 A Yeah, he had made multiple -- he was making all</p> <p>15 kinds of weird noises during the entire event.</p> <p>16 Q Officer, have you ever been trained that when</p> <p>17 somebody who is struggling with officers and is in a</p> <p>18 position that can impede their ability to breathe that the</p> <p>19 human body will instinctively and automatically fight to</p> <p>20 get air? Have you ever been trained that that's what the</p> <p>21 body does?</p> <p>22 A No one has ever trained me in that, no.</p> <p>23 Q Have you ever heard the analogy that, you know,</p> <p>24 it's impossible to stay under water willingly until you</p> <p style="text-align: right;">Page 96</p>
<p>1 you know, again, waiting for medical to say, hey, what do</p> <p>2 you want us to do with this guy.</p> <p>3 Q So you were waiting on medical at that point?</p> <p>4 A Yeah.</p> <p>5 Q Let's make sure. At that point, I'm talking</p> <p>6 about the point in time where you are appreciating this</p> <p>7 shot was just given, and there's less resistance. So at</p> <p>8 that point, you were waiting for medical to instruct you</p> <p>9 what to do?</p> <p>10 A Yeah.</p> <p>11 Q Was medical on scene at that point in time?</p> <p>12 A I don't remember if there was anyone still</p> <p>13 there inside the pod. They had -- I don't think they were</p> <p>14 there at the time. They gave the injection and, you know,</p> <p>15 I don't exactly remember what exactly transpired between</p> <p>16 after the injection was given to the time I started</p> <p>17 realizing the guy is not breathing and then coming back</p> <p>18 up. Again, all of this happened in such a short period of</p> <p>19 time. Where exactly medical was at the time, I wasn't</p> <p>20 keeping track of their whereabouts.</p> <p>21 Q Okay. We can ask those folks.</p> <p>22 As of that time where you thought the injection</p> <p>23 had taken some effect and there was less resistance, based</p> <p>24 on what you've told us about the written policies, based</p> <p style="text-align: right;">Page 95</p>	<p>1 die?</p> <p>2 A I've heard of that, yes.</p> <p>3 Q Is that something you're generally familiar</p> <p>4 with? The body is going to take you to the surface to get</p> <p>5 air; right?</p> <p>6 A Yes.</p> <p>7 Q But you've never been trained that for somebody</p> <p>8 who is on their belly who might have that sensation, that</p> <p>9 they're going to fight with all their might?</p> <p>10 A I've never heard anybody explain that to me</p> <p>11 before, no.</p> <p>12 Q Looking back now, do you think that Robert</p> <p>13 Richardson was struggling to get air to live?</p> <p>14 MR. PREGON: Objection.</p> <p>15 A Based on everything that I've seen, read,</p> <p>16 heard, and now know, I could tell you yes, he was probably</p> <p>17 trying to get air. At the time, I did not know that.</p> <p>18 BY MR. DICELLO:</p> <p>19 Q So Mr. Richardson is rolled over, it's a group</p> <p>20 effort, and Officer Beach then began chest compressions?</p> <p>21 A Yes. Beach started chest compressions.</p> <p>22 Q Maybe we can shorten this. What involvement</p> <p>23 did you have in trying to resuscitate Mr. Richardson?</p> <p>24 A Beach started giving compressions, and as soon</p> <p style="text-align: right;">Page 97</p>

<p>1 as the first aid kit got up there, which was a matter of</p> <p>2 seconds, because it was just down at the desk, I removed</p> <p>3 the face mask and started giving breaths as soon as Beach</p> <p>4 finished his first set of 30 compressions.</p> <p>5 Q Mr. Richardson never regained consciousness?</p> <p>6 A No.</p> <p>7 Q At what point in time were you released? I</p> <p>8 think I spoke to somebody who had the job to actually stay</p> <p>9 with Mr. Richardson's body. But at what point in time</p> <p>10 were you kind of discharged from the incident and who did</p> <p>11 that; do you remember?</p> <p>12 A I was discharged from the scene by Sergeant</p> <p>13 Jackson at the end of the incident -- after -- basically</p> <p>14 after Dr. Ellis came up and -- I think it was after</p> <p>15 Dr. Ellis came up and pronounced him dead. I pretty much</p> <p>16 left, was told to go back to my post at that point, and</p> <p>17 resume my normal job.</p> <p>18 Q Since this incident occurred and before a</p> <p>19 lawsuit was filed, did you discuss what happened with any</p> <p>20 of your co-workers?</p> <p>21 A I'm sorry, what was the timeframe?</p> <p>22 Q Before the lawsuit was filed --</p> <p>23 A Before the lawsuit was filed.</p> <p>24 Q -- did you discuss this incident with any of</p> <p style="text-align: right;">Page 98</p>	<p>1 died from a heart attack, or heart failure.</p> <p>2 Q In your own mind when you heard that, did you</p> <p>3 think the struggle and the restraint contributed or caused</p> <p>4 his heart attack and death?</p> <p>5 MR. PREGON: Objection.</p> <p>6 A No.</p> <p>7 BY MR. DICELLO:</p> <p>8 Q So you think in your own mind this was just</p> <p>9 coincidental that he happened to be having a heart attack</p> <p>10 at the same time he was struggling with five to seven of</p> <p>11 you?</p> <p>12 MR. PREGON: Objection.</p> <p>13 A Correct.</p> <p>14 BY MR. DICELLO:</p> <p>15 Q Did you try to determine or learn anything</p> <p>16 about this man who had died, whether he had family,</p> <p>17 children, how old he was, where he lived?</p> <p>18 A No.</p> <p>19 Q Have you taken any initiative to go to anybody</p> <p>20 around the jail and say, "Should we maybe do things</p> <p>21 differently to try to avoid something like this happening</p> <p>22 in the future"?</p> <p>23 A No.</p> <p>24 Q Has anybody come to you and said, "We're going</p> <p style="text-align: right;">Page 100</p>
<p>1 your co-workers?</p> <p>2 A It's come up in conversation before, yes.</p> <p>3 Q Can you give me the general tenor of the</p> <p>4 conversations that you've had?</p> <p>5 A Just nothing -- nothing in particular -- of</p> <p>6 particular importance or significance, just of the general</p> <p>7 incident itself.</p> <p>8 Q So Mr. Richardson was 28 years old when he</p> <p>9 died. Did you know that?</p> <p>10 A I did not.</p> <p>11 Q Did you do anything to try to figure out how he</p> <p>12 died or why he died?</p> <p>13 A I had heard through the grapevine why, you</p> <p>14 know, why he had died after quite awhile, I don't know how</p> <p>15 long after the incident was over with, but I didn't -- I</p> <p>16 didn't make any official inquiries, no.</p> <p>17 Q Let me follow up on that. Heard it through the</p> <p>18 grapevine how he died. Tell me about that.</p> <p>19 A Through -- People had come back after the</p> <p>20 medical examiner's report had come out how the guy died,</p> <p>21 and I don't know -- I don't know who told who or who heard</p> <p>22 from who. Water cooler conversations.</p> <p>23 Q And what did you hear?</p> <p>24 A The guy -- My understanding is the guy had a --</p> <p style="text-align: right;">Page 99</p>	<p>1 to change the way we do things around here to make sure</p> <p>2 that something like this doesn't happen again?"</p> <p>3 A No.</p> <p>4 Q Presented with the same circumstances today,</p> <p>5 you'd go about doing the same thing?</p> <p>6 MR. PREGON: Objection.</p> <p>7 Go ahead.</p> <p>8 A I'm trying to think how I want to answer this.</p> <p>9 Recognizing the incident that happened and my response to</p> <p>10 the incident, things that I did as an officer, I believe I</p> <p>11 acted in the best possible way I could have given the</p> <p>12 information I had at the time and my training at the time.</p> <p>13 I think if I were to handle an incident similar to this</p> <p>14 where somebody was behaving the way he did, I would</p> <p>15 probably respond similarly for my actions and my -- my</p> <p>16 parts in the event.</p> <p>17 BY MR. DICELLO:</p> <p>18 Q Okay.</p> <p>19 MR. PREGON: Should we hit the lights?</p> <p>20 MR. DICELLO: Yeah, I'd appreciate it. That is</p> <p>21 helpful. It really does make it easier for the witness to</p> <p>22 see.</p> <p>23 BY MR. DICELLO:</p> <p>24 Q So what I want to show you now, and I'm going</p> <p style="text-align: right;">Page 101</p>

1 to skip around, because this thing is lengthy. I'm
 2 showing you on my iPad what I have received that is the
 3 video of the incident. Do you generally recognize that
 4 this is a video of the incident?
 5 A Yes, sir.
 6 MR. PREGON: Refresh my recollection. Is this
 7 an exhibit? Have we made this an exhibit?
 8 MR. DICELLO: We have not yet. And we should
 9 do that as well.
 10 MR. PREGON: Yeah.
 11 BY MR. DICELLO:
 12 Q Is it your understanding that the way this
 13 technology works is it's kind of a still frame image every
 14 --
 15 A Yeah, there's a lag.
 16 Q There's a lag. And I want you to let me know
 17 when you first see yourself.
 18 A That's me.
 19 Q Okay. So we just stopped it at 19 seconds.
 20 And you're pointing to yourself being the gentleman on the
 21 right-hand side?
 22 A Uh-huh.
 23 Q Yes?
 24 A That's correct.

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1 Q And is this the position that you described
 2 where you were near the left shoulder?
 3 A Yes.
 4 Q So for example at 19 seconds, it appears that
 5 your right hand is on Mr. Richardson's back or shoulder
 6 area?
 7 A I can't -- I can't see which way he's facing
 8 right there. It's kind of hard. The view is not very
 9 clear.
 10 Q That looks like his right arm and his head is
 11 right there.
 12 A Yeah.
 13 Q So when we were at 19 seconds, we're now at 27,
 14 it jumps forward pretty quick, but at 19 seconds you were
 15 describing your position that you had your right hand on
 16 his back shoulder area; correct?
 17 A Yes.
 18 Q And do you stay there on the floor near
 19 Mr. Richardson's left shoulder for the entire time?
 20 A I believe that's pretty much where I was the
 21 whole time, yes.
 22 Q Because I think some officers testified they
 23 were relieved.
 24 A I might have -- No, I got up a couple -- I got

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1 up, because I know I had to take a break from either
 2 holding him or doing compressions or, excuse me, breaths.
 3 I know we took turns. So at some point in time, I know I
 4 had to have move around.
 5 Q Okay.
 6 A Or I had been in that position on my knees
 7 trying to hold him for a period of time, so I had to get
 8 up and stretch a little bit.
 9 Q Have you watched the entire video?
 10 A Yes.
 11 Q I've watched it many times. And I'm sure I'll
 12 watch it many more. There are times where it appears that
 13 while taking a rest or leaning back on somebody's heels
 14 that the folks, you and the other officer that are on the
 15 shoulders, will remove your hands and then place a knee on
 16 the shoulder. Do you remember doing that?
 17 MR. PREGON: Objection.
 18 Go ahead.
 19 A I don't remember doing that, but I may have.
 20 BY MR. DICELLO:
 21 Q And the person across from you, do you remember
 22 that person ever doing that, where they were kind of
 23 leaning back, putting their knee on the shoulder, and
 24 their hands were free?

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1 A If the video shows that, then yes. But I don't
 2 -- I don't remember doing that.
 3 Q Okay.
 4 A I mean, again, you know, if I -- I may have
 5 used a knee to hold his shoulder or arm in place, you
 6 know, but I didn't like sit on top of him or anything like
 7 that.
 8 Q Now, at some point do you remember Medic
 9 Stockhauser leaving and then --
 10 MR. DICELLO: Who is the big guy, the
 11 six-foot-four guy?
 12 MR. PREGON: For NaphCare?
 13 MR. DICELLO: No, your corrections officers.
 14 MR. PREGON: I think Mayes.
 15 MR. DICELLO: Yeah, Mayes.
 16 BY MR. DICELLO:
 17 Q Do you remember when Mayes took over for Steve
 18 at the head?
 19 A I don't recall when it happened. I'm pretty
 20 sure it happened, though.
 21 Q Mayes is about six-four?
 22 A Sure, yeah.
 23 Q Do you remember why it was that Stockhauser
 24 left and Mayes took over control of the head?

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1 A I do not know.

2 Q Some inmates, detainees, some folks that have

3 seen this, have given sworn signed statements that they

4 saw Mayes putting his hands on Mr. Richardson's neck. Did

5 you see that?

6 A No, I never saw anybody put their hands around

7 his neck.

8 Q Did you ever see Officer Mayes or any other

9 officer put a knee or a shin near Mr. Richardson's head or

10 neck?

11 A No. If they did, they were doing it to try and

12 stabilize his head --

13 Q Okay.

14 A -- in an effort to prevent injury.

15 Q To your knowledge, did Mr. Richardson injure

16 his head at all?

17 A Not to my knowledge. But I'm not a medical

18 professional, so --

19 Q Is that because the officers were holding

20 Mr. Richardson's head down?

21 A No.

22 Q So how is it that -- I guess what I'm getting

23 at is if you were concerned that Mr. Richardson was going

24 to hurt his head and he didn't hurt his head, how is it

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1 that the officers prevented him from doing that?

2 MR. PREGON: Objection.

3 Go ahead.

4 A What I was going to say was, because he was

5 thrashing around so much and he was handcuffed, his body

6 bouncing up and down all over the place, there's steel,

7 there's concrete, there's about a million different things

8 you could bang your head into. We're not just trying to

9 protect other people from being hurt, but trying to

10 potentially protect themselves -- if a person is having a

11 seizure, hypothetically, not necessarily related to this

12 incident, but in reference to officers protecting or

13 helping an inmate, we protect them from hurting them --

14 protect them from hurting themselves.

15 BY MR. DICELLO:

16 Q Maybe you can help me identify at some point

17 who is opposite you --

18 A Okay.

19 Q -- on the -- Mr. Richardson's right shoulder.

20 A Closer to the rail?

21 Q Yeah. Maybe I'll -- So right here.

22 A Is that Brad? I can't tell if that's -- that

23 might be Marshall. I think that's Marshall.

24 Q You think that's Marshall?

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1 A (Nods head.)

2 Q Steve is in the blue shirt there?

3 A That's Steve, there's Jackson or Lewis --

4 that's Lewis I think in his cell.

5 Q Okay.

6 A There's Mayes, there's Limmer, Kasandra, Steve,

7 there's Beach, Marshall, and me right here.

8 Q So this is just, we're stopping it at 10:04, I

9 mean, does it appear that Marshall has both hands on

10 Mr. Richardson's back?

11 A It appears that way, yes.

12 Q And he appears to be on his knees and he

13 appears to be leaning over toward Mr. Richardson; correct?

14 A It appears that way.

15 Q He's pushing Mr. Richardson down on the ground;

16 true?

17 MR. PREGON: Objection.

18 A I can't speak to the direction of which force

19 is being applied to his back.

20 BY MR. DICELLO:

21 Q This is -- I'm stopping it at 10:11. The

22 individual you think is Marshall now has his right hand on

23 the back of Mr. Richardson's head; true?

24 A Yes.

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1 Q And does it appear that he's holding his head

2 down on the ground?

3 A It appears he's holding his head straight so

4 Steve can put an oxygen mask on it. Because he kept

5 turning his head left and right.

6 Q Fast forward a little bit. This is one of the

7 frames where I was asking a little bit earlier. We now

8 have -- We're at 17:33 and we now have Officer Mayes near

9 the head; correct?

10 A Yeah.

11 Q And can you see Officer Mayes's left hand on

12 Mr. Richardson's head?

13 A Uh-huh.

14 Q And Officer Mayes appears to be on his knees

15 bending over top of Mr. Richardson; correct?

16 MR. PREGON: Objection.

17 Go ahead.

18 A He does appear to be bending over him.

19 BY MR. DICELLO:

20 Q Is it your recollection or based on this image

21 does it look like Officer Mayes is holding

22 Mr. Richardson's head on the ground?

23 A I believe --

24 MR. PREGON: Objection.

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1 A I believe he is holding his head still, yes.
2 And it is held with a towel underneath it right there,
3 yeah.
4 BY MR. DICELLO:
5 Q Now, this is one of those images, when you look
6 at who you believe is Officer Marshall, where he seems to
7 be kind of, I guess the way to describe it, almost like in
8 a catcher's position?
9 A Uh-huh.
10 Q Yes?
11 A Yeah.
12 Q And you can see, it looks like his right knee
13 appears to be on Mr. Richardson's right shoulder; true?
14 MR. PREGON: Objection.
15 Go ahead.
16 A It's hard to say what his knee is actually on.
17 This bar is covering as well as what is right here. To
18 say it's actually on his shoulder, it could be up against
19 the shoulder, it could be sitting on the ground and this
20 is the top part of his leg coming out. It doesn't look
21 like it's definitively on top of his shoulder.
22 BY MR. DICELLO:
23 Q Can't tell?
24 A I don't believe so, no, just based on that

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1 image.
2 Q So there's another one at 21:06, and now
3 Officer Marshall appears to have his right arm resting on
4 the --
5 A Yes.
6 Q -- the rail there; correct?
7 A Uh-huh.
8 Q And where do you think his right knee is now?
9 MR. PREGON: Objection.
10 A Again, it looks like it's placed to the side of
11 Richardson, maybe it could be possibly on top or off to
12 the side again.
13 BY MR. DICELLO:
14 Q We agree in 21:06, the frame that's at 21:06,
15 Mr. Richardson is in a prone position; true?
16 A Correct.
17 Q And any time during this video that
18 Mr. Richardson is in a position that is demonstrated like
19 that in 21:06, he's in a prone position; true?
20 A Yes.
21 Q Officer Mayes testified, when I showed him
22 certain portions of this video, that there are times that
23 he is laughing. Do you remember that?
24 A I don't particularly recall people laughing. I

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1 know there's been -- after having seen this video, it
2 looks like that. But I don't remember -- I don't remember
3 it. I don't remember laughing during any of that.
4 Q Do you remember other people smiling and
5 laughing?
6 A I don't remember anybody specifically smiling
7 or laughing, no.
8 Q All right. Officer Stumpff, for someone who
9 has told us the reasons why you've chosen a career in law
10 enforcement and you have a career path that you'd like to
11 achieve in law enforcement, do you see this incident as a
12 potential learning opportunity for you?
13 A Yes.
14 Q And can you tell us what you've learned?
15 A I've learned what it's like to be deposed.
16 This has been my first deposition. I've learned, you
17 know, to just do your best, no matter what you're trying
18 to do, to the best of your abilities, given any
19 circumstances, that, you know, you can only do so much.
20 You know, I mean, I tried really hard to save this guy's
21 life, you know? And then being called a murderer directly
22 after that by the inmates, you know, that feels pretty
23 terrible, you know?
24 Q Was he dying?

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1 A I didn't know it at the time. But I know the
2 guy stopped breathing, he didn't have a pulse. Training
3 kicked in, start CPR.
4 Q Sure.
5 A You know? I can't bring the guy back, you
6 know? But I did everything in my power to try and save
7 him. And I've learned to accept that there's some things
8 you can't change. So you know, that's really what I
9 learned from this, is that you can only do so much.
10 Q Just bear with me a few moments, I'm going to
11 go through my notes. I don't think I have any other
12 questions.
13 MR. DICELLO: If there's questions from the
14 other attorneys, I'll turn over the witness now.
15 MR. HOJNOSKI: Huh-uh.
16 (Pause in proceedings.)
17 BY MR. DICELLO:
18 Q Your recollection is medical was on scene for
19 at least a good portion of this incident; true?
20 A That's true.
21 Q All right. Have you reviewed any of the
22 medical reports, incident reports that were generated as a
23 result of this?
24 A I've seen them, yes.

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1 Q And one of those, at least one of those
 2 incident reports that I've seen was completed by the
 3 health services administrator. Is that a term that you're
 4 familiar with?
 5 A Uh-huh.
 6 Q Yes?
 7 A Yes, sir.
 8 Q Is that kind of the medical person in charge of
 9 the jail?
 10 A That's correct.
 11 Q That person's statement or report that he or
 12 she filled out says that -- refers to Mr. Richardson as a
 13 patient, because that's what he was to them. It says,
 14 "The patient was being held down in a prone position by
 15 several correctional officers." That's what happened;
 16 right?
 17 A Correct.
 18 MR. PREGON: Objection.
 19 THE WITNESS: Oh, sorry.
 20 A Correct.
 21 BY MR. DICELLO:
 22 Q Those are all the questions I have. Thank you,
 23 Officer Stumpff. I appreciate your time.
 24 A Okay.

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1 Q Thank you.
 2 A Thank you.
 3 MR. PREGON: And we'll read.
 4 ---
 5 (Signature not waived.)
 6 ---
 7 And, thereupon, the deposition was concluded at
 8 10:44 a.m.
 9 ---
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1 December 11, 2015
 2 Dear Mr. Stumpff,
 3 You have chosen to read and sign your transcript.
 4 Please do not mark on the transcript. Any
 5 corrections/changes you may desire to make in your
 6 testimony should be typewritten or printed on the errata
 7 sheet at the end of testimony, giving the page number,
 8 line number and desired correction/change. After you have
 9 read the transcript, sign your name on the correction
 10 sheet and where indicated at the close of testimony before
 11 a notary public.
 12 The Rules of Civil Procedure allow thirty days for
 13 you to read and sign. Please return the signature page
 14 and errata sheet to Whitney Layne, 6723 Cooperstone Drive,
 15 Dublin, Ohio 43017 within that time. Failure to do so in
 16 the allotted time will result in your transcript being
 17 used as though read and signed by you.
 18
 19 Sincerely,
 20
 21 Whitney Layne
 22 Professional Reporter
 23
 24 Cc:
 Nick DiCello
 Carrie Starts
 Jamey Pregon

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1 State of Ohio
 2 County of Montgomery
 3 I, MICHAEL STUMPF, do hereby certify that I have
 4 read the foregoing transcript of my deposition given on
 5 December 7, 2015; that together with the correction page
 6 attached hereto noting changes in form or substance, if
 7 any, it is true and correct.
 8 
 9 MICHAEL STUMPF
 10 I do hereby certify that the foregoing transcript
 11 of the deposition of MICHAEL STUMPF was submitted to the
 12 witness for reading and signing; that after he had stated
 13 to the undersigned Notary Public that he had read and
 14 examined his deposition, he signed the same in my presence
 15 on the 29th day of January 2015.
 16 
 17 Notary Public
 18 My Commission Expires on May 2, 2018
 19
 20
 21
 22
 23
 24

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1 TO THE REPORTER:

2 I have read the entire transcript of my deposition taken
3 on the 11th day of December, 2015, or the same has been
4 read to me. I request that the following changes be
5 entered upon the record for the reasons indicated.

6

7 Page Line Correction and reason therefore

8 no changes to transcript

9

10

11

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Date 1/29/16 Signature Mick Stiff

24

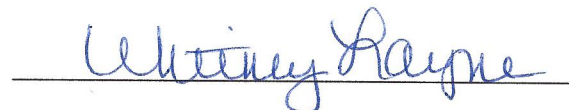
CERTIFICATE

State of Ohio :

County of Franklin:

I, Whitney Layne, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named MICHAEL STUMPF was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotype in the presence of said witness; afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Dublin, Ohio, on this 11th day of Decemer, 2015.



Whitney Layne, Notary Public

In and for the State of Ohio

My Commission expires May 4, 2020

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